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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; WEST VIRGINIA

For the purpose of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment liimts heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

WEST VIRGINIA

County	Average value	Investment limit
Barbour	$10,000	$10,000
Berkeley	15,000	12,000
Boone	10,000	10,000
Braxton	12,000	12,000
Brooke	12,000	12,000
Cabell	12,000	12,000
Calhoun	10,000	10,000
Clay	10,000	10,000
Doddridge	12,000	12,000
Fayette	10,000	10,000
Gilmer	12,000	12,000
Grant	12,000	12,000
Greenbrier	15,000	12,000
Hampshire	12,000	12,000
Hancock	12,000	12,000
Hardy	12,000	12,000
Harrison	15,000	12,000
Jackson	15,000	12,000
Jefferson	15,000	12,000
Kanawha	15,000	12,000
Lewis	15,000	12,000
Lincoln	10,000	10,000
Logan	10,000	10,000
Marion	12,000	12,000
Marshall	15,000	12,000
Mason	15,000	12,000
Mercer	10,000	10,000
Mineral	12,000	12,000
Monongalia	12,000	12,000
Monroe	15,000	12,000
Morgan	10,000	10,000
Nicholas	10,000	10,000
Ohio	15,000	12,000
Pendleton	10,000	10,000
Pocahontas	12,000	12,000
Preston	12,000	12,000

WEST VIRGINIA—Continued

County	Average value	Investment limit
Putnam	$12,000	$12,000
Raleigh	10,000	10,000
Randolph	12,000	12,000
Ritchie	12,000	12,000
Roane	12,000	12,000
Summers	10,000	10,000
Taylor	12,000	12,000
Tucker	10,000	10,000
Tyler	12,000	12,000
Upshur	12,000	12,000
Wayne	12,000	12,000
Wetzel	10,000	10,000
Wood	12,000	12,000
Wyoming	10,000	10,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 11th day of July 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-8135; Filed, July 16, 1951; 8:46 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; WEST VIRGINIA

For the purpose of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the counties, identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, is amended by adding said counties, average value, and investment limit to the tabulations appearing in said section under the State of West Virginia.

WEST VIRGINIA

County	Average value	Investment limit
Mingo	$10,000	$10,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b),

(Continued on p. 6821)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 11th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-8136; Filed, July 16, 1951; 8:46 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; KANSAS

For the purpose of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

KANSAS

County	Average value	Investment limit
Atchison	$18,000	$12,000
Brown	18,000	12,000
Clay	18,500	12,000
Decatur	20,000	12,000
Doniphan	20,000	12,000
Jewell	16,000	12,000
Johnson	21,000	12,000
Norton	15,000	12,000
Ottawa	19,000	12,000
Pratt	20,000	12,000
Shawnee	16,000	12,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 11th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.410 *Plum Order 13*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship any package or container of Sugar plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 6 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 5 x 5 standard pack, as aforesaid. The aforesaid 5 x 5 standard pack and 5 x 6 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1⅞ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1⅞ inches in diameter; and (iii) no plums contained in such pack measure less than 1⅞ inches in diameter.

(5) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1⅞ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1⅝ inches in diameter; and (iii) no plums contained in such pack measure less than 1⅜ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and

size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8231; Filed, July 16, 1951; 9:27 a. m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.411 *Plum Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this regulation should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Late Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade: *Provided*, That, gum spots which do not cause serious damage shall not be considered a grade defect with respect to such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket. The aforesaid 5 x 6 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{7}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{5}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{3}{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8230; Filed, July 16, 1951; 9:27 a. m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.412 *Plum Order 15*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the sup-

ply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Sharkey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8232; Filed, July 16, 1951; 9:27 a. m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.413 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t, November 1, 1951, no shipper shall ship from any shipping point during any day any package of container of Ace plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped

from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grades and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8233; Filed, July 16, 1951; 9:28 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.414 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as set forth in this section the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of President plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches

in diameter; and (iii) no plums contained in such pack measure less than 1 5/16 inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8234; Filed, July 16, 1951; 9:28 a. m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.415 *Plum Order 18*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship any package or container of Diamond plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 7/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 5/16 inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8235; Filed, July 16, 1951; 9:28 a. m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.416 *Plum Order 19*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Com-

modity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Late Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 11/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 7/16 inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than 1 7/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 5/16 inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8236; Filed, July 16, 1951; 9:28 a. m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.417 *Plum Order 20*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such

plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Kelsey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8237; Filed, July 16, 1951; 9:29 a. m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.418 *Plum Order 21*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 86, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety set forth in this section, and in the manner provided in this section will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafer set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 18, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 10, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 10, 1951, after consideration of an available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 18, 1951, and ending at 12:01 a. m., P. s. t., November 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Emily plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) per-

cent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{7}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{5}{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of July 1951.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-8238; Filed, July 16, 1951; 9:29 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I — Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 3—SPECIAL PROVISIONS APPLICABLE TO COTTON

FORM 304

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), and pursuant to notice heretofore published in the FEDERAL REGISTER on June 8, 1951 (16 F. R. 5447), §§ 3.16 and 3.17 (e) of the regulations promulgated under the Commodity Exchange Act (17 CFR 3.16, 3.17 (e)), are hereby amended to read as follows:

§ 3.16 *Merchandisers, processors, and dealers holding or controlling open contracts of specified size to report on Form 304.* Every person who is engaged in merchandising, processing, or dealing in cotton, cotton yarn, cotton cloth, or other cotton products, and who holds or controls open contracts in any one cotton future on any contract market which equal or exceed the amount fixed in § 3.21, shall report to the Commodity Exchange Authority on Form 304, which report shall be rendered as of the close of business on Friday of each week unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown.

§ 3.17 *Information shown in reports on Form 304.* * * *

(e) Such person's fixed-price spot-cotton positions (both long and short);

(Sec. 8a, 49 Stat. 1500; 7 U. S. C. 12a)

Section 3.16, as amended, retains the requirement that reports on Form 304 be filed each week, but eliminates the additional requirement that such reports also be filed as of the close of business on July 31 of each year. Since this amendment will operate to relieve or liberalize an existing restriction and will not adversely affect the public, it may be made effective within less than 30 days after publication in the FEDERAL REGISTER.

The amendment to § 3.17 (e) eliminates the present provision which conditions the reporting of fixed-price spot-cotton positions on the holding or controlling of 20,000 bales or more of open contracts in any one cotton future on any contract market, and requires such reports from all persons required to report on Form 304. It is hereby found necessary that information with respect to fixed-price spot-cotton positions be available throughout the cotton marketing year which begins August 1, 1951. Therefore, it is found upon good cause that this amendment should be made effective within less than 30 days after publication thereof in the FEDERAL REGISTER.

These amendments shall become effective July 30, 1951.

Issued this 11th day of July 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-8134; Filed, July 16, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 9, Amdt. 3]

PART 60—AIR TRAFFIC RULES

RIGHT TURN INDICATORS; LIGHT SIGNALS; TRAFFIC PATTERNS

The following rules are hereby adopted for the purpose of cross referencing and recodifying air traffic rules previously published, and prescribing traffic patterns for Anchorage Airport and Lake Hood-Lake Spenard Landing Areas, and Fairbanks Airport and Chena River Landing Area. The traffic patterns have been coordinated with interested segments of the aviation industry in Alaska, and are adopted without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impractica-

ble and contrary to the public interest, and therefore is not required.

1. Section 60.18–1, published on July 16, 1949, in 14 F. R. 4299, is revised to read:

§ 60.18–1 *Right-turn indicators (CAA rules which apply to § 60.18 (a))*—(a) *Day-time operation.* The "L"-shaped marker described hereinafter is approved as a standard visual marker which indicates that turns are to be made to the right. The marker shall be prepared in such size and color, and located in such area, that when displayed between sunrise and sunset it will be readily visible to pilots using the airport. The marker shall be placed in such position that the short member of the "L" will show the direction of the traffic in the air, the long member of the "L" will point out the landing strip to be used, and the entire "L" will indicate the course of the turn to be executed by pilots using the landing strip.

NOTE: The "L"-shaped marker is applied to the Segmented Circle Airport Marker System in Technical Standard Order TSO–N5.

(b) *Night-time operation.* A flashing amber light shall mean that a clockwise flow of traffic around the airport is required unless otherwise authorized by the control tower operator.

2. Section 60.18–5 published September 20, 1949, in 14 F. R. 5746 and renumbered § 60.18–3 on August 5, 1950, in 15 F. R. 5046 is hereby revised to read:

§ 60.18–2 *Light signals (CAA rules which apply to § 60.18 (e)).* Light signals used for the control of air traffic shall be of the color and have the meaning prescribed in § 617.23 of this title.

3. Section 60.18–2 published on August 5, 1950, in 15 F. R. 5046 is renumbered § 60.18–3.

4. Section 60.18–4 is added to read:

§ 60.18–4 *Traffic patterns for Anchorage Airport and Lake Hood-Lake Spenard Landing Area (CAA rules which apply to § 60.18 (d)).* Aircraft taking off from or landing at the Anchorage Airport or the Lake Hook-Lake Spenard Landing Area, shall adhere to the following traffic patterns and the altitudes made a part thereof, unless otherwise authorized by Air Traffic Control. The subject traffic patterns shall be contained within the air space described by a 5-mile horizontal radius of the Anchorage Airport and extending vertically to 2,000 feet mean sea level.

(a) *Anchorage Airport*—(1) *General.* (i) Traffic patterns at the Anchorage Airport shall be rectangular and, for each runway, the traffic pattern shall lie to the side of the runway opposite Lake Hood and Lake Spenard.

(ii) Light and heavy aircraft shall follow their respective patterns as indicated by the diagrams set forth below. The differentiation between light and heavy aircraft shall be:

(*a*) *Light aircraft.* Aircraft which normally use a final approach true air speed of 100 m. p. h. or less.

(*b*) *Heavy aircraft.* Aircraft which normally use a final approach true air speed greater than 100 m. p. h.

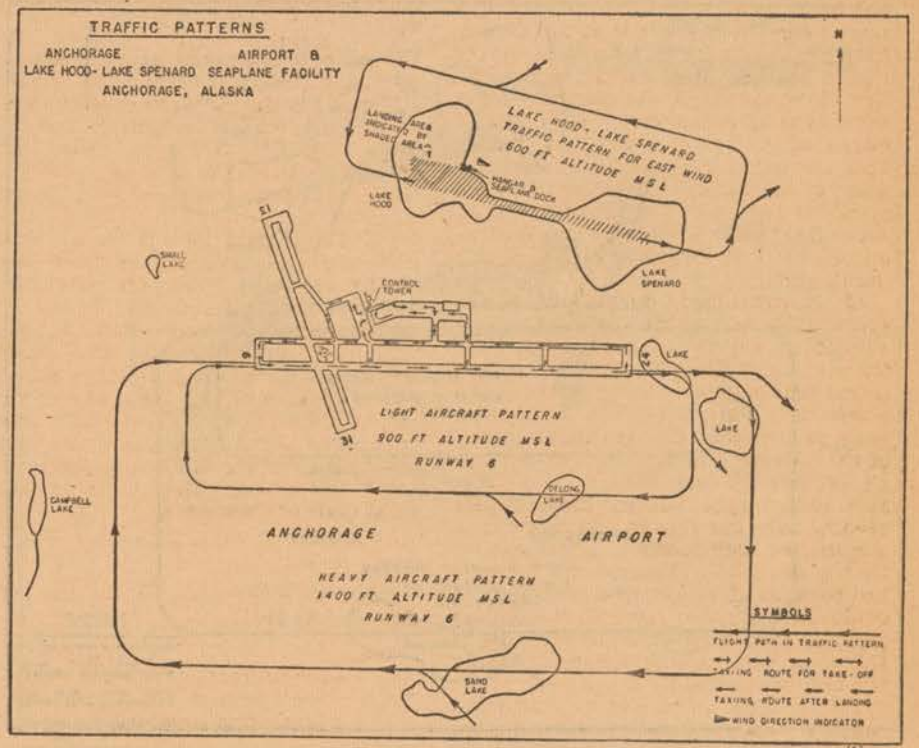
(2) *Take-off*—(i) *Aircraft remaining in the traffic pattern*—(*a*) *Runway 6 and 13.* Aircraft remaining in the traffic pattern shall execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level, and follow the rectangular patterns for runways 6 and 13 respectively.

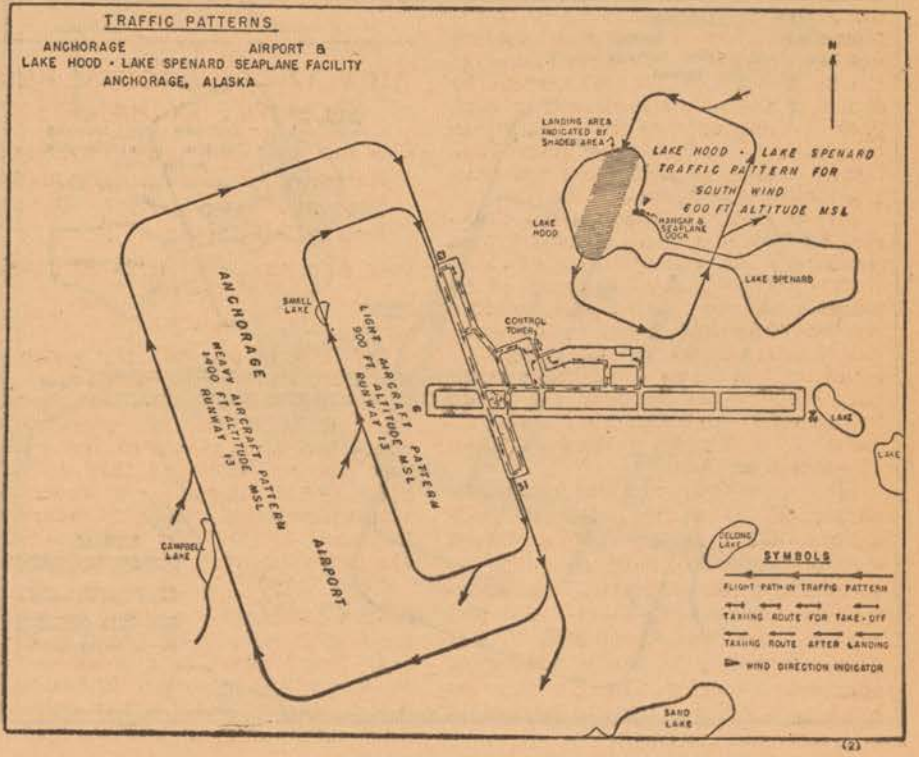
(*b*) *Runway 26 and 31.* Aircraft remaining in the traffic pattern shall execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level and follow the rectangular patterns for runways 24 and 31 respectively.

(ii) *Departing aircraft*—(*a*) *Runway 6 and 13*—(*1*) *Light aircraft.* Execute a turn of 90° to the right at or before reaching 500 feet mean sea level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the left.

(*2*) *Heavy aircraft.* Execute a turn of 45° to the right from the take-off leg at or before reaching an altitude of 500 feet mean sea level.

(*b*) *Runway 24 and 31*—(*1*) *Light aircraft.* Execute a turn of 90° to the left at or before reaching 500 feet mean sea





level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the right.

(2) *Heavy aircraft.* Execute a turn of 45° to the left from the take-off leg at or before reaching an altitude of 500 feet mean sea level.

(3) *Traffic pattern entry*—(i) *Light aircraft.* Enter the traffic pattern at an altitude of 900 feet mean sea level and at an angle of 45° to the approximate midpoint of the down-wind leg.

(ii) *Heavy aircraft.* Enter the traffic pattern at an altitude of 1,400 feet mean sea level and at an angle of 45° to the approximate midpoint of the down-wind leg.

(4) *Landing*—(i) *Light aircraft.* Aircraft shall be operated so as to enter the final approach at a distance of at least 1,000 feet from the approach end of the runway.

(ii) *Heavy aircraft.* Aircraft shall be operated so as to enter the final approach at a distance of at least 1,500 feet from the approach end of the runway.

(b) *Lake Hood-Lake Spenard Landing Area*—(1) *Landing area*—(i) *East or west wind.* The landing area shall be defined by the projection of the shore lines of the canal through Lake Spenard and a projection of the south shore line of the canal through Lake Hood and a parallel projection from Sea Airmotive Hangar extending to the west shore line of Lake Hood as shown by the diagrams set forth below.

(ii) *North or south wind.* The landing area shall be defined as the area extending 500 feet west of a line connecting the most northern and most southern points of the Lake Hood shore line as shown by the diagrams set forth below.

(2) *Traffic control.* (i) Traffic control instructions issued by the Anchorage Tower to aircraft landing at or taking-off from the Lake Hood-Lake Spenard Landing Area will be issued only with respect to existing traffic at the Anchorage Airport. Separation of surface traffic, therefore, will be the responsibility of the aircraft operator.

(ii) In the absence of an air traffic control facility at Lake Hood or Lake Spenard, aircraft shall be operated so as to conform to the taxiing routes as shown by the diagrams set forth below.

(3) *Traffic patterns*—(i) *East or west take-off or landing.* The traffic pattern shall lie to the side of the Lake Hood-Lake Spenard canal opposite the Anchorage Airport.

(ii) *North or south take-off or landing.* The traffic pattern shall lie to the side of the east side of Lake Hood.

(4) *Limitations.* (i) Only aircraft equipped with fully functioning two-way radio will be authorized to make a south take-off from Lake Hood or to enter the traffic pattern for a north landing on Lake Hood.

(ii) No aircraft shall make a take-off to the south from Lake Hood or enter traffic for a landing to the north at Lake Hood without having received a traffic clearance by radio from the Anchorage tower.

(iii) No aircraft shall enter the landing area in use while taxiing "on the step."

(5) *Take-off.* (i) A pilot shall not begin a take-off run until he has determined that the landing area and the final approach are clear of traffic.

(ii) Aircraft remaining in the traffic pattern:

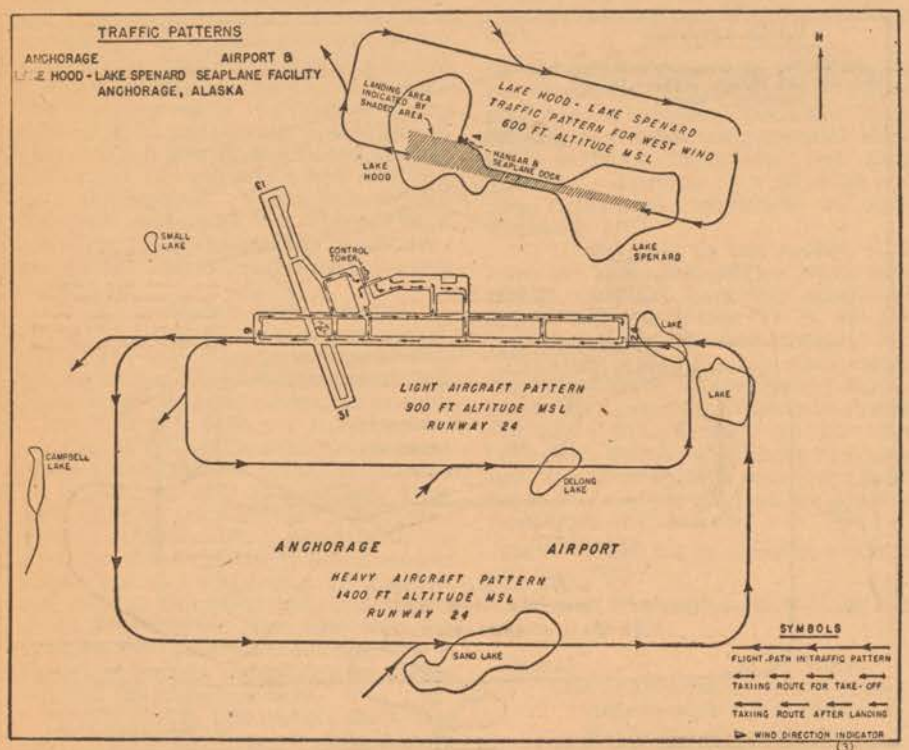
(*a*) *East or south take-off.* Execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level, and follow the rectangular pattern for an east or south wind respectively.

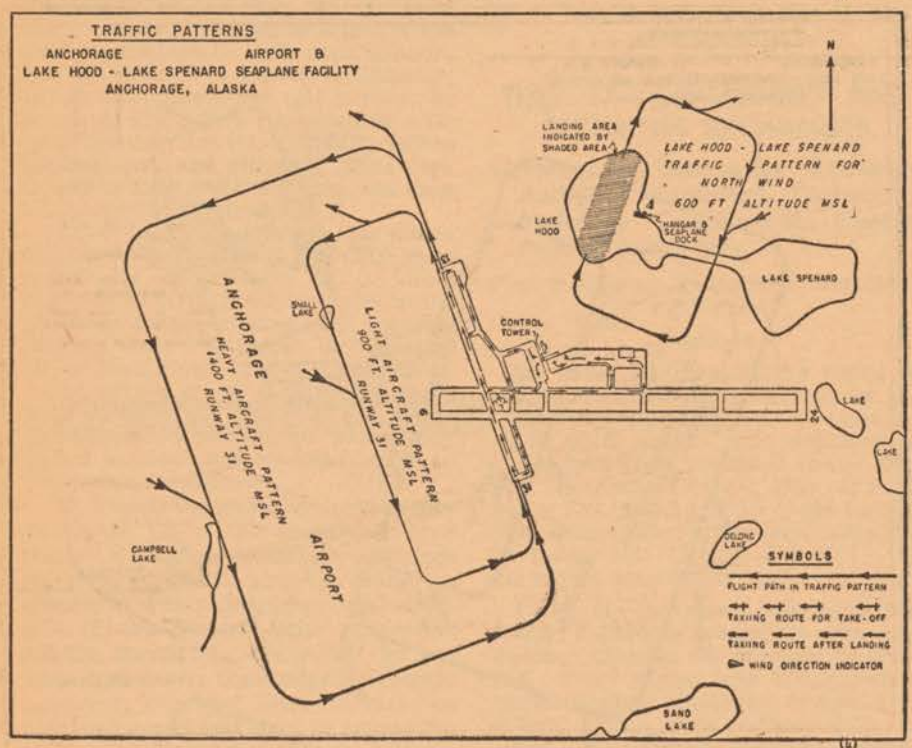
(*b*) *West or north take-off* Execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level and follow the rectangular pattern for a west or north wind respectively.

(iii) Departing aircraft:

(*a*) *East take-off.* Execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the right.

(*b*) *South take-off.* Execute a turn of 180° to the left at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the





down wind leg, execute a turn of 45° to the right.

(c) *West or North take-off.* Execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the left.

(6) *Landing*—(i) *Traffic pattern entry.* Enter the traffic pattern at an altitude of 600 feet mean sea level and at an angle of 45° to the approximate midpoint of the down-wind leg.

(7) *Taxiing route for take-off*—(i) *Taxiing for a west take-off from Lake Spenard.* All aircraft maneuvering from parking areas in Lake Hood for a west take-off from Lake Spenard shall follow a counter-clockwise flow of taxiing traffic in Lake Hood until the pilot has determined that the canal, landing approach, and landing area is clear of traffic, then proceed through the canal in an expeditious manner. All taxiing in Lake Spenard shall be confined to the area south of a projection of the north shore line of the canal.

(ii) *Taxiing for an east take-off from Lake Hood.* Aircraft maneuvering from parking areas for an east take-off from Lake Hood through the canal, shall follow a counter-clockwise flow of taxing traffic in Lake Hood until the pilot has determined that the canal is clear of all taxiing traffic.

(iii) *Taxiing for a south take-off from Lake Hood.* Aircraft maneuvering from parking areas for a south take-off from Lake Hood shall follow a counter-clockwise flow of taxiing traffic in Lake Hood to a take-off position near the north shore of Lake Hood.

(iv) *Taxiing for a north take-off from Lake Hood.* Aircraft maneuvering from parking areas for a north take-off from Lake Hood shall follow a clockwise flow of taxiing traffic in Lake Hood to a take-off position near the south shore of Lake Hood.

(8) *Taxiing route following landing*—(i) *Taxiing route after landing to the south on Lake Hood.* At the completion of the landing run, the aircraft shall be operated so as to join a counter-clockwise flow of traffic to the aircraft parking area.

(ii) *Taxiing route after landing to the north on Lake Hood.* At the completion of the landing run, the aircraft shall be operated so as to join a clockwise flow of traffic to the aircraft parking area.

(iii) *Taxiing after landing to the east on Lake Hood.* (a) If the landing run is completed prior to entering the canal, the aircraft may be taxied direct to the aircraft parking area.

(b) If the landing run continues into the canal, proceed through the canal in an expeditious manner, following a counter-clockwise flow of traffic in Lake Spenard until it has been determined that the landing approach and the canal are clear of traffic, then proceed expeditiously through the canal to the aircraft parking area.

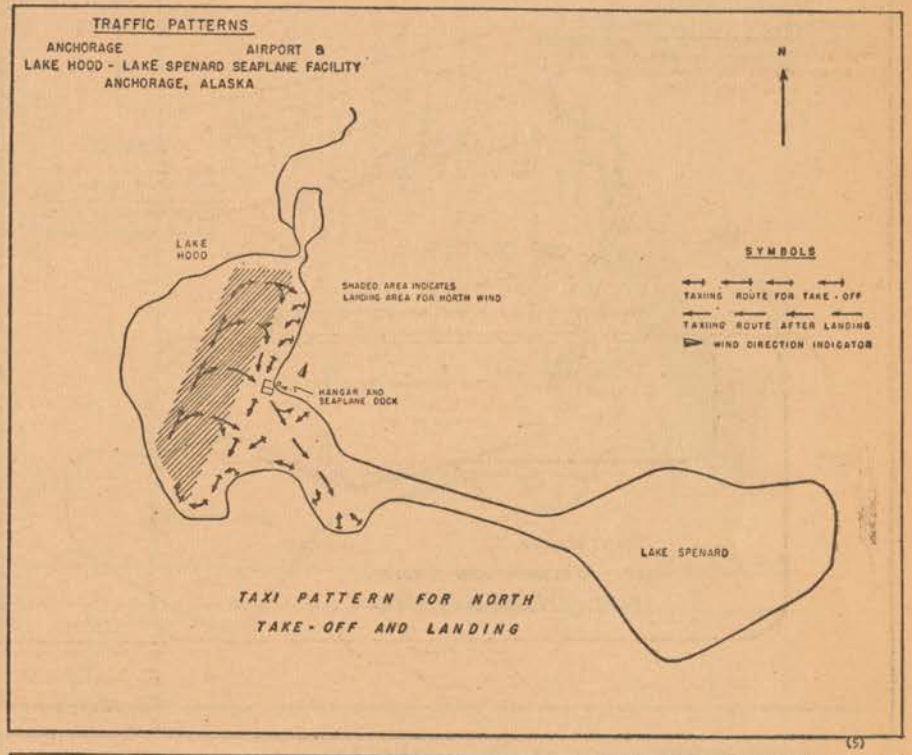
(iv) *Taxiing after landing to the west on Lake Spenard or Canal.* At the completion of the landing run, proceed expeditiously through the canal and direct to the aircraft parking area.

5. Section 60.18–5 is added to read:

§ 60.18–5 *Traffic patterns for Fairbanks Airport and Chena River Landing Area (CAA rules which apply to § 60.18 (d)).* Aircraft taking off from or landing at the Fairbanks Airport or the Chena River Landing Area shall adhere to the following traffic patterns and altitudes made a part thereof, unless otherwise authorized by Air Traffic Control. The subject traffic patterns shall be contained within the air space described by a 3-mile horizontal radius of the Fairbanks Airport and extending vertically to 2,500 feet mean sea level.

(a) *Fairbanks International Airport*—(1) *General.* (i) Traffic patterns at the Fairbanks Airport shall be rectangular, extending east of the C. A. A. road and for each runway the traffic pattern shall be to the east side of the runway.

(ii) Light and heavy aircraft shall follow their respective patterns as indicated by the diagrams set forth below. The



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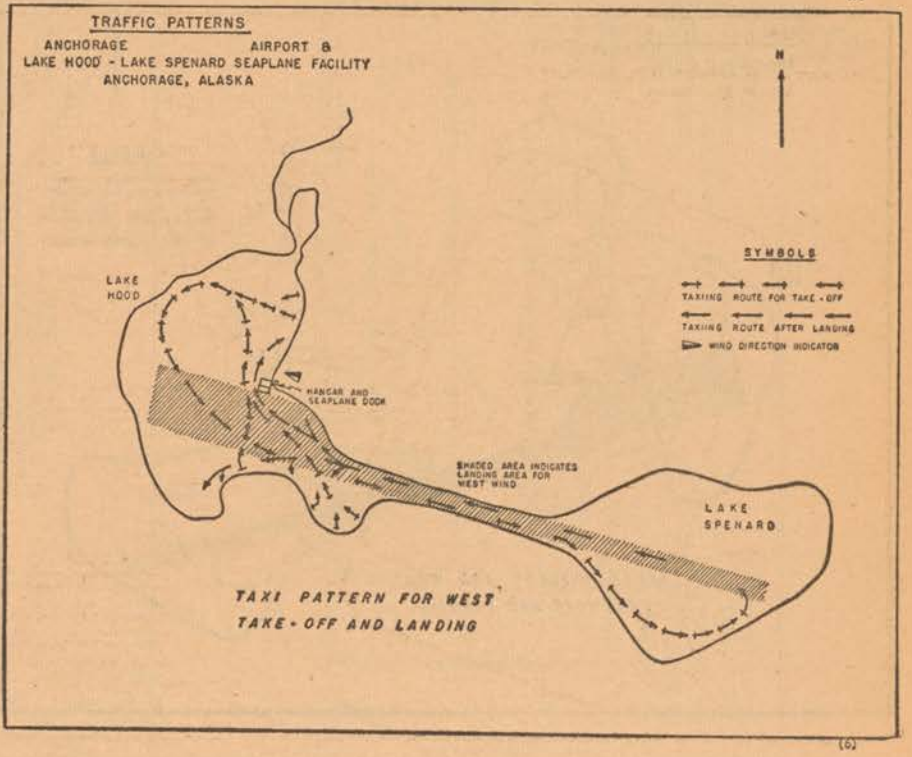


(6)

differentiation between light and heavy aircraft shall be:

(a) *Light aircraft.* Aircraft which normally use a final approach true air speed of 100 m. p. h. or less.

(b) *Heavy aircraft.* Aircraft which normally use a final approach true air speed greater than 100 m. p. h.

(2) *Take-off—(i) Aircraft remaining in the traffic pattern—(a) Runway 1—(1) Light aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level, climbing to a traffic altitude of 1,100 feet mean sea level following the rectangular pattern for runway 1.

(2) *Heavy aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,600 feet mean sea level following the rectangular pattern for runway 1.

(b) *Runway 19—(1) Light aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,100 feet mean sea level following the rectangular pattern for runway 19.

(2) *Heavy aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,600 feet mean sea level following the rectangular pattern for runway 19.

(ii) *Departing aircraft—(a) Runway 1—(1) Light aircraft.* Aircraft shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level, and at the approximate midpoint of the initial cross wind leg execute a turn of 45° to the left.

(2) *Heavy aircraft.* Aircraft shall execute a 45° turn to the right from the take-off leg at an altitude of at least 800 feet mean sea level.

(b) *Runway 19—(1) Light aircraft.* Aircraft shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level, and at the approximate midpoint of the initial cross wind leg execute a turn of 45° to the right.

(2) *Heavy aircraft.* Aircraft shall execute a 45° turn to the left from the take-off leg at an altitude of at least 800 feet mean sea level.

(3) *Traffic pattern entry.* (i) Light aircraft shall enter the traffic pattern at an altitude of 1,100 feet mean sea level and at an angle of 45° to the approximate midpoint of the down wind leg.

(ii) Heavy aircraft shall enter the traffic pattern at an altitude of 1,600 feet mean sea level and at an angle of 45° to the approximate midpoint of the down wind leg.

(4) *Landing.* (i) Light aircraft shall be operated so as to enter the final approach at a distance of at least 100 feet from the approach end of the runway.

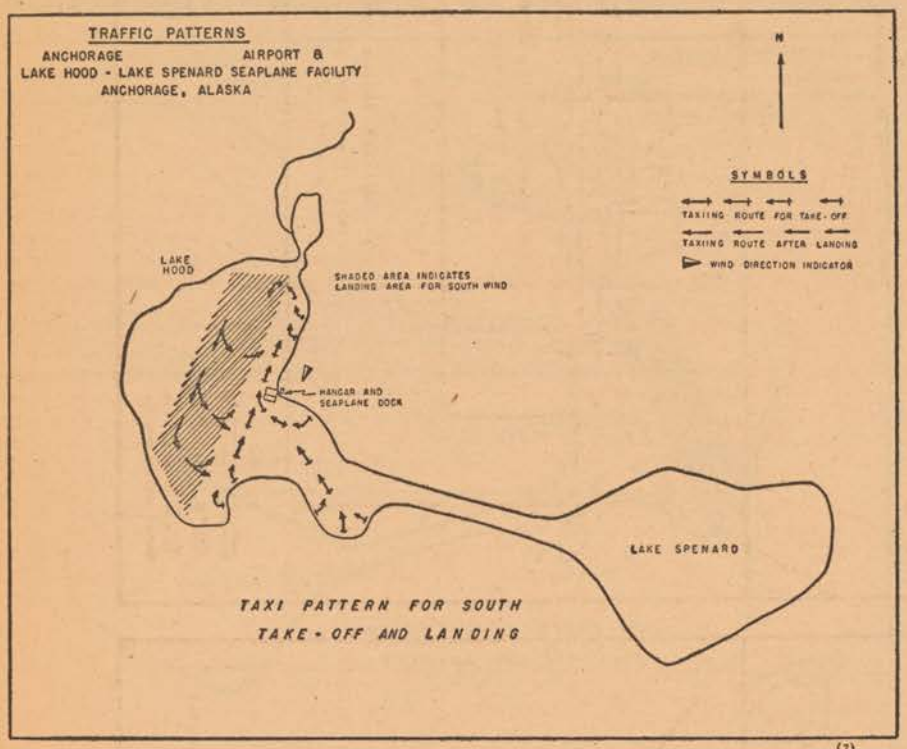
(ii) Heavy aircraft shall be operated so as to enter the final approach at a distance of at least 1,500 feet from the approach end of the runway.

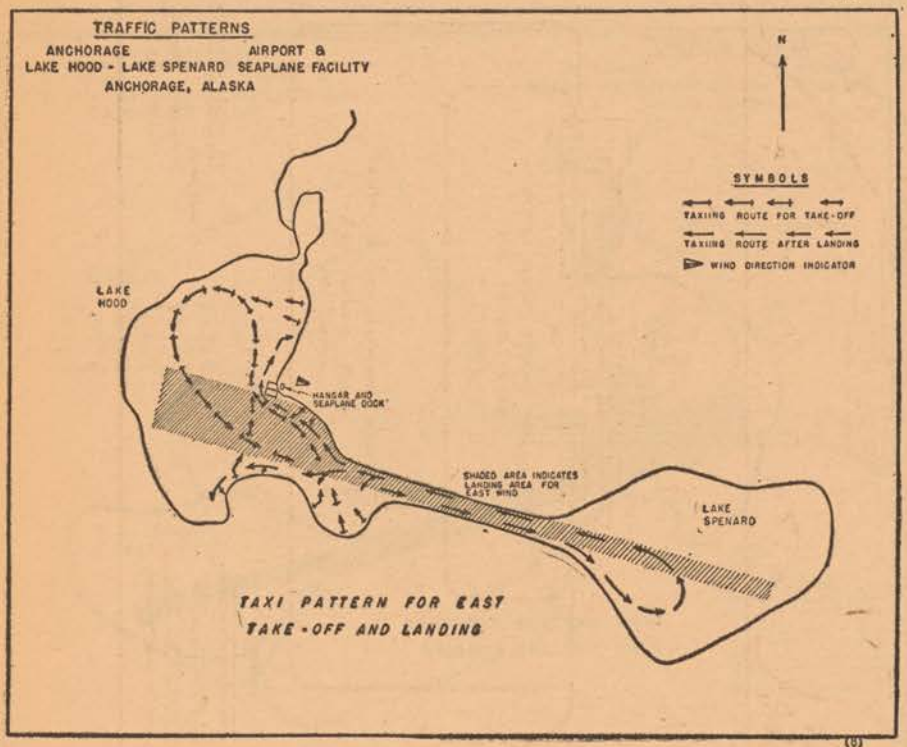
(b) *Chena River Landing Area—(1) Landing area.* The landing area shall be defined as those portions of the Chena River upstream and downstream from a place on the river commonly known and identified as Pike's Landing, and extending downstream to the pumping station and upstream to the first right turn from Pike's Landing.

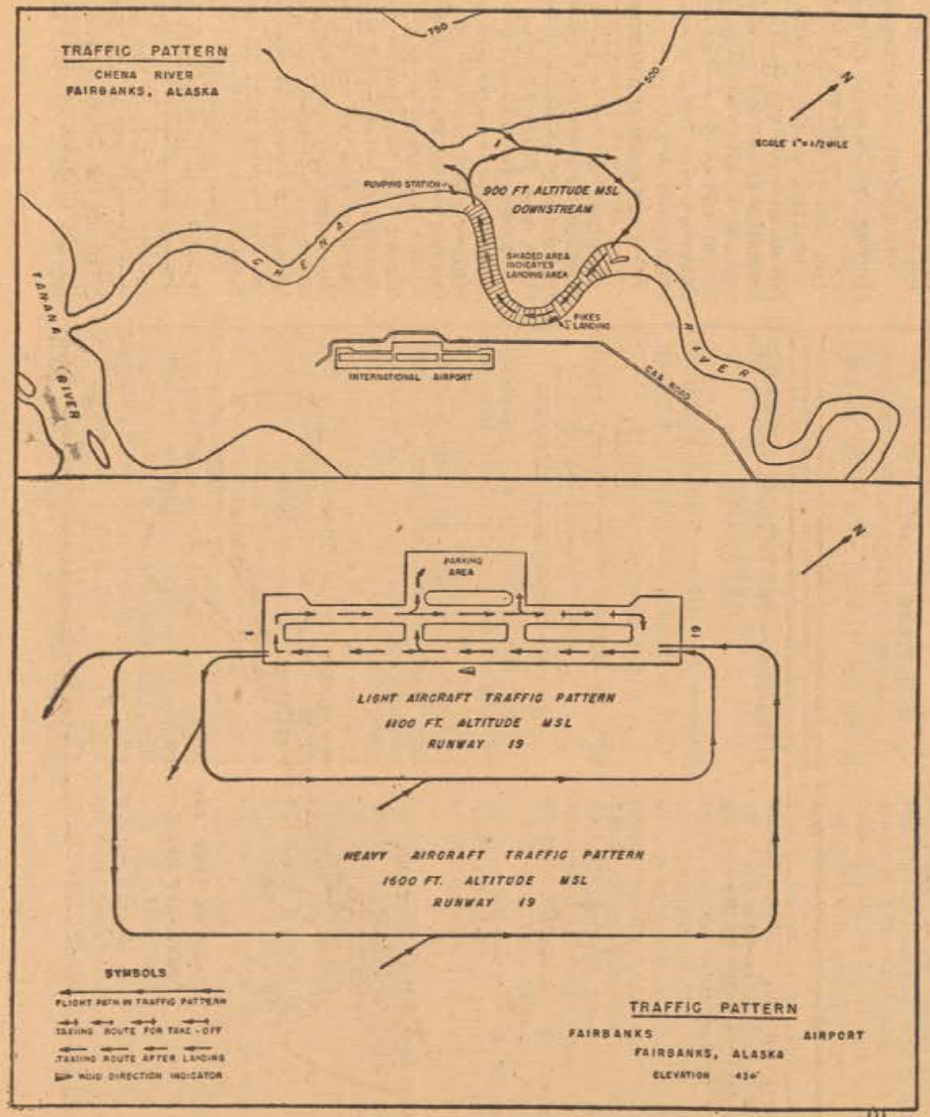
(2) *Traffic control.* (i) Aircraft operating in the traffic patterns defined in this chapter will not normally be controlled by the Fairbanks Control Tower.

(ii) Any traffic control instructions issued by the Fairbanks Tower to aircraft landing at or taking off from the defined landing area on the Chena River will be issued only with respect to existing traffic at the Fairbanks Airport. Separation of surface traffic, therefore, will be the responsibility of the aircraft operator.

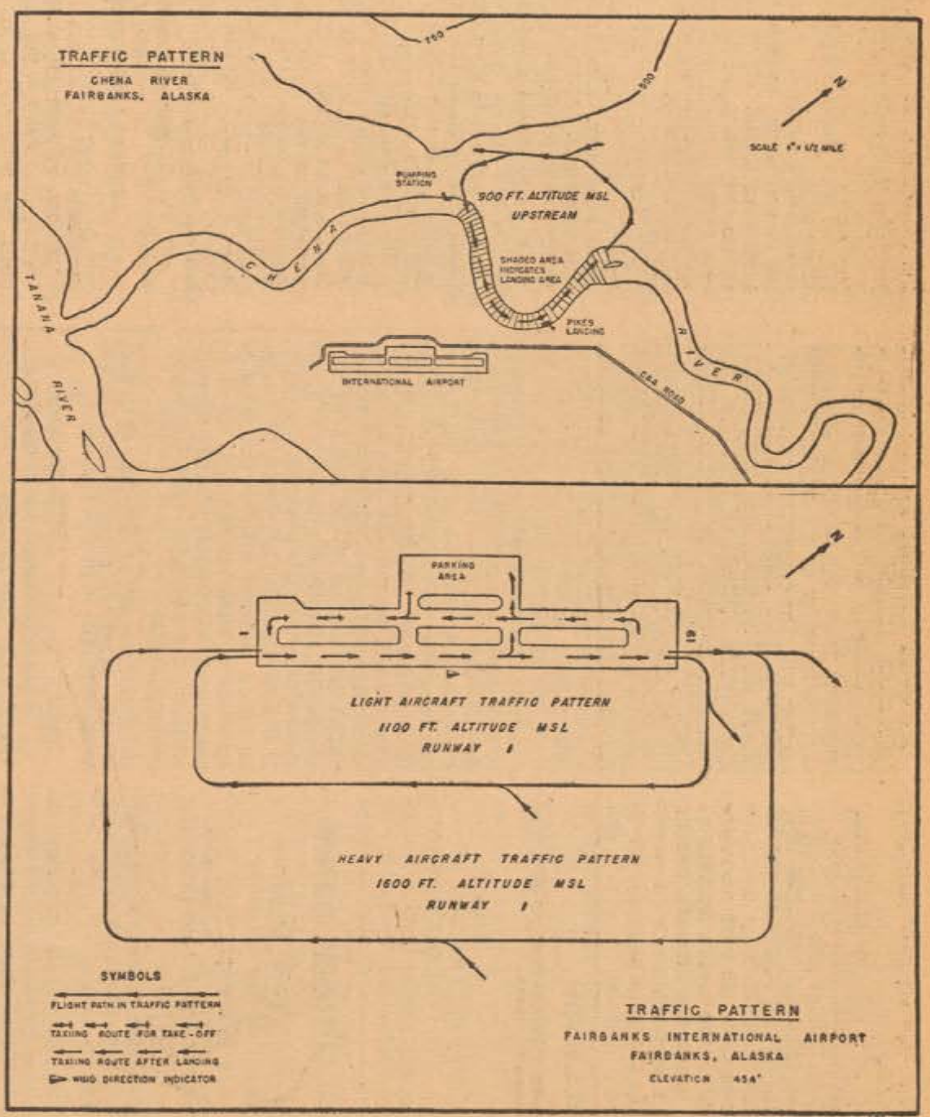
(3) *Traffic patterns.* (i) Traffic patterns for the defined landing area on the Chena River shall be circular, shall lie to the west side of the river, and shall not extend east of the defined landing area on the Chena River as illustrated on the diagram set forth below.






TRAFFIC PATTERN
CHENA RIVER
FAIRBANKS, ALASKA
750
500
N
SCALE 1" = 1/2 MILE
PUMPING STATION
900 FT. ALTITUDE MSL
DOWNSTREAM
SHADED AREA INDICATES LANDING AREA
PIKES LANDING
INTERNATIONAL AIRPORT
C H E N A
R I V E R
TANANA RIVER
PARKING AREA
19
LIGHT AIRCRAFT TRAFFIC PATTERN
1100 FT. ALTITUDE MSL
RUNWAY 19
HEAVY AIRCRAFT TRAFFIC PATTERN
1600 FT. ALTITUDE MSL
RUNWAY 19
SYMBOLS
FLIGHT PATH IN TRAFFIC PATTERN
TAXIING ROUTE FOR TAKE-OFF
TAXIING ROUTE AFTER LANDING
WIND DIRECTION INDICATOR
TRAFFIC PATTERN
FAIRBANKS AIRPORT
FAIRBANKS, ALASKA
ELEVATION 434'

(2)


TRAFFIC PATTERN
CHENA RIVER
FAIRBANKS, ALASKA
750
500
N
SCALE 1" = 1/2 MILE
PUMPING STATION
900 FT. ALTITUDE MSL
UPSTREAM
SHADED AREA INDICATES LANDING AREA
PIKES LANDING
INTERNATIONAL AIRPORT
C H E N A
R I V E R
TANANA RIVER
PARKING AREA
1
LIGHT AIRCRAFT TRAFFIC PATTERN
1100 FT. ALTITUDE MSL
RUNWAY 1
HEAVY AIRCRAFT TRAFFIC PATTERN
1600 FT. ALTITUDE MSL
RUNWAY 1
SYMBOLS
FLIGHT PATH IN TRAFFIC PATTERN
TAXIING ROUTE FOR TAKE-OFF
TAXIING ROUTE AFTER LANDING
WIND DIRECTION INDICATOR
TRAFFIC PATTERN
FAIRBANKS INTERNATIONAL AIRPORT
FAIRBANKS, ALASKA
ELEVATION 454'

(2)

(ii) Landing or takeoff upstream (north or east) shall be to the left.

(iii) Landing or takeoff downstream (south or west) shall be to the right.

(4) *Departure from traffic pattern.* Aircraft shall depart from the traffic pattern on a westerly heading.

(5) *Entrance to traffic pattern.* Aircraft shall enter the traffic pattern on an easterly heading at an altitude of 900 feet mean sea level.

(Sec. 205, 52 Stat. 984, as amended, sec. 4, 62 Stat. 278; 48 U. S. C. 485c, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. July 14, 1951.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-8077; Filed, July 16, 1951; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52773]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

DISCREPANCIES IN MARKS OR NUMBERS ON PACKAGES AND VESSEL MANIFESTS AND DELIVERY OF SUCH PACKAGES

The Bureau approves the practice of not requiring post entries to manifests or shortage affidavits because of discrepancies between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the manifest of the importing vessel when the quantities and description of the merchandise in such packages are correctly given.

Therefore, § 4.12 (d), Customs Regulations of 1943 (19 CFR 4.12 (d)), as amended, is further amended by adding the following sentence: "A correction in the manifest shall not be required because of discrepancies between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the manifest of the importing vessel when the quantities and description of the merchandise in such packages are correctly given."

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624. Interprets or applies secs. 440, 584, 46 Stat. 712, 748, as amended; 19 U. S. C. 1440, 1584)

Since it is reported that discrepancies are often found between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the manifest of the importing vessel, the Bureau deems it advisable to have the customs regulations set forth the conditions under which such packages may be released. Accordingly, § 4.38, Customs Regulations of 1943 (19 CFR 4.38), is hereby amended by inserting "(a)" after the headnote, by deleting the parenthetical matter at the end of the present paragraph, and by adding a new paragraph (b) reading as follows:

(b) When packages of merchandise bear marks or numbers which differ from those appearing on the manifest of the importing vessel for the same packages and the importer or a receiving bonded carrier, with the concurrence of the importing carrier, makes application for their release under such marks or numbers, either for consumption or for transportation in bond under an entry filed therefor at the port of discharge from the importing vessel, the collector may approve the application upon condition (1) that the contents of the packages be identified with an invoice or transportation entry as set forth below and (2) that the applicant furnish at his own expense any bonded cartage or lighterage service which the granting of the application may require. The application shall be in writing in such number of copies as may be required for local customs purposes. Before permitting delivery of packages under such an application, the collector shall cause such examination thereof to be made as will reasonably identify the contents with the invoice filed with the consumption entry. If the merchandise is entered for transportation in bond without the filing of an invoice, such examination shall be made as will reasonably identify the contents of the packages with the transportation entry.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624. Interprets or applies secs. 448, 505, 46 Stat. 714, 732; 19 U. S. C. 1448, 1505)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: July 10, 1951.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-8149; Filed, July 16, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[CPR 22, Interpretation 33]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

INT. 33—NONMETALLIC MINERALS

When the components of a nonmetallic mineral are separated out from the crude mineral solely by mechanical or physical means, such as grinding, washing, leaching classification, flotation, evaporation, dehydration, and like processes, they are still regarded as nonmetallic minerals within the meaning of paragraph (v) of Appendix A to CPR 22, and are therefore exempt from that regulation (unless specifically excluded from the exemption by name). Derivatives of the crude mineral which are obtained by refining or purification processes involving recrystallization or chemical methods (including carbonation, ionic interchange, or similar methods) are no longer considered minerals and do not fall within the exemption of paragraph (v). Examples of commodities regarded as nonmetallic minerals within this exemption, when derived from the crude minerals, are:

Crude salt.
Natural soda (trona, sesquicarbonate).
Crude soda.
Crude soda calcined.
Soda ash (less than 56 percent Na20).
Muriate of potash.
Potash salts crude.
Borax crude.
Kernite (rasorite).
Kernite anhydrous.
Tincal.
Tincal anhydrous.
Borax.
Borax anhydrous.
Salt cake crude.
Sodium sulphate crude.

On the other hand, the following commodities are among those regarded as chemicals subject to CPR 22 and not as nonmetallic minerals:

Refined salt.
Soda ash 58 percent Na20.
Sodium bicarbonate.
Sulfate of potash.
Boric acid.
Sodium meta borate.
Potassium borate.
Ammonium borate.
Polybor chlorate.
Salt cake.
Sodium sulfate.

(Sec. 704, Pub. Law 774, 81st Cong.)

HAROLD LEVENTHAL,
Chief Counsel,
Office of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8263; Filed, July 16, 1951; 10:25 a. m.]

[General Overriding Regulation 15]

GOR 15—ADJUSTMENT OF CEILING PRICES OF MACHINE TOOLS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation No. 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation permits adjustments in manufacturers' ceiling prices for machine tools and machine tool attachments. These ceiling prices may be adjusted either on an over-all basis or for a particular machine tool or machine tool attachment. On an over-all basis, the manufacturer may secure an adjustment which will enable him to realize 80 percent of his average rate of return during the years 1938 through 1948. For a particular machine tool or machine tool attachment, the manufacturer may secure an adjustment which will enable him to realize his total unit costs, plus a profit of 5½ percent.

Adequate production of machine tools is basic to the defense effort. However, the current production of this industry has been at a relatively low level. Within the past five months, orders have been placed by the armed services and persons producing military goods for the armed services to such an extent that the aver-

age delay in delivery of machine tools is twenty to twenty-two months.

In recognition of the essentiality of machine tool production the National Production Authority issued Orders M–40 and M–41 on February 28, 1951. These orders require machine tool manufacturers to reserve 70 percent of their production for the armed services or for contractors specified by the armed services. Further, machine tool manufacturers are required to file the orders they receive with the National Production Authority and to make deliveries in accordance with directives from that Agency in an order of preference established by them in consultation with the Munitions Board representing the armed services.

As of March 1, 1951, the machine tool industry was producing at the rate of $432,000,000 a year. It is expected that by the end of 1951 this industry will be producing at an annual rate of $1,000,000,000 a year in order to provide a firm mobilization base. However, at the beginning of our present defense effort the machine tool industry was in a depressed condition. This was due for the most part, to the fact that it found itself with an over-capacity for peacetime at the same time that it was required to meet the competition of a large volume of tools which it had produced during World War II.

In recognition of these facts the Office of Defense Mobilization has issued a directive which requires the Office of Price Stabilization to modify price controls for manufacturers of machine tools to the extent necessary to give them the incentive to expand their production for essential needs. This General Overrriding Regulation has been issued pursuant to this directive.

Machine tool manufacturers are uncertain as to how they will fare during the period of expanded production which lies ahead. This adjustment provision is a temporary expedient which will insure a normal profit during this period. It is expected that after machine tool manufacturers get into full production it will be unnecessary for them to avail themselves of this adjustment provision.

The standard used in this General Overriding Regulation for the purpose of determining adjustments on an over-all basis is the same as that used by the Bureau of Internal Revenue for the purpose of determining excess profit taxes for the machine tool industry. The standard used for determining the adjustment for a particular machine tool or machine tool attachment will enable the manufacturer to realize, for each machine tool and machine tool attachment, one-half of the average percentage margin over total unit costs realized by the machine tool industry for the year 1950.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage.* This General Overriding Regulation applies to you if you are a manufacturer of machine tools or machine tool attachments. The terms "manufacturer", "machine tool" and "machine tool attachment" are defined in section 5 (Definitions).

SEC. 2. *Adjustment of ceiling prices on an over-all basis.*—(a) *When you may receive an adjustment.* Your ceiling price for all machine tools and machine tool attachments sold by you may be adjusted whenever you can demonstrate that your ceiling prices for machine tools and machine tool attachments cause or threaten to cause you to realize a rate of return, before income and excess profits taxes, which is less than 80 percent of your average rate of return for the years 1938 through 1948. The term "rate of return" is defined in section 5 (Definitions). You determine your average rate of return for the years 1938 through 1948 as follows:

(1) Add the dollar amounts of your total net operating income for each of your fiscal years from 1938 through 1948.

(2) Add the dollar amounts of the interest paid by you for each of your fiscal years from 1938 through 1948.

(3) Total the amounts found in (1) and (2).

(4) Add the dollar amounts of your total assets used in your business as of the last day of each of your fiscal years from 1938 through 1948.

(5) Divide the amount found in (3) by the amount found in (4). The result is your average rate of return for the years 1938 through 1948.

(6) If you did not sell machine tools or machine tool attachments during any year during the period 1938 through 1948, you shall determine your average rate of return for the years 1938 through 1948 as follows:

(i) Determine your average rate of return in the manner set forth in (1) through (5) for the years in which you did sell machine tools or machine tool attachments.

(ii) Multiply the result found under (i) by the number of years during the period 1938 through 1948 during which you sold machine tools or machine tool attachments.

(iii) Multiply 21 percent by the number of years during the period 1938 through 1948 in which you did not sell machine tools or machine tool attachments.

(iv) Total (ii) and (iii).

(v) Divide by 11 the result found under (iv). The result is your average rate of return for the period 1938 through 1948. Of course, if you did not sell machine tools or machine tool attachments during the entire period 1938 through 1948, you shall use 21 percent as your average rate of return for this period.

(b) *Amount of the adjustment.* If you are entitled to an adjustment under the provisions of paragraph (a), you shall determine the amount of the adjustment as follows:

(1) On the basis of the ceiling prices established for your sales of machine tools and machine tool attachments by the applicable OPS regulation, other than this General Overriding Regulation, estimate your rate of return for the next twelve months period.

(2) Determine your average rate of return for the years 1938 through 1948 in the manner set forth in paragraph (a).

(3) Increase your ceiling prices for machine tools and machine tool attachments by the percentage necessary, on the basis of your estimate, for you to realize 80 percent of your average rate of return determined under (2) for the portion of your business for which you made the estimate. Your ceiling prices for all machine tools and machine tool attachments must be increased by the same percentage.

(4) You may use the percentage increase determined under (3) only for those sales of machine tools and machine tool attachments which you make during the three calendar months following the date when you calculated this percentage. At the end of this three month period, you shall recalculate your percentage increase. You shall make this recalculation for the same twelve month period, for which you made your original calculation. Also, you shall make this recalculation in the manner set forth in subparagraphs (1) through (3) of this paragraph, except that you shall reflect in this recalculation your actual experience during the past three calendar months and any changes which have occurred in your projected operations for the succeeding nine calendar months. The resulting percentage increase may only be used for the three calendar months following the date of your recalculation.

(5) You shall recalculate your percentage increase at the end of six and nine months in the manner set forth in subparagraph (4) of this paragraph. Again, the percentage increase which you calculate may be used only for the succeeding three calendar months.

(6) When twelve months have elapsed since the date when you made your original estimate for that twelve month period, you shall determine your actual rate of return for that portion of your business for which you were required to estimate your actual rate of return under (1). If this actual rate of return exceeds, by more than 5 percent, 80 percent of your average rate of return for the years 1938 through 1948 for the same portion of your business, you must make the refund required by subparagraph (7); otherwise, you need not make a refund. You must make the required refund within sixty days after the twelve month period has elapsed.

(7) You shall determine the refund required for each sale of a machine tool or machine tool attachment, which you made during this twelve month period, as follows: First, determine the percentage increase over your ceiling price for the sale of that machine tool or machine tool attachment which you made under this paragraph. Then, deduct from that

percentage the actual percentage necessary for you to realize the rate of return permitted by this paragraph for all of your sales of machine tools and machine tool attachments for your twelve months of operation under this paragraph. Multiply your ceiling price for the machine tool or machine tool attachment, before you made the increase permitted by this paragraph, by the resultant percentage. The result is the amount which you must refund to the purchaser of that machine tool or machine tool attachment.

(8) After twelve months have elapsed after your first calculation of the adjustment, to which you are entitled under this paragraph, you may determine an adjustment for the ensuing twelve month period. If you do so, this adjustment must be determined in the manner set forth in subparagraphs (1) through (5) of this paragraph. Also, at the end of this twelve month period, you must determine the refund, if any, which you must make to your customers in the manner set forth in subparagraphs (6) and (7) of this paragraph.

(c) *Report.* Before you sell, offer to sell or deliver a machine tool or machine tool attachment at the increased price permitted by this section you must file a report with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. This report must contain the following information. (This information may be filed on a copy of form OPS 55, which may be obtained from your nearest OPS office):

(1) Your name and address.

(2) A general description of all commodities, including commodities other than machine tools and machine tool attachments which you sell. (For example, turret lathes, screw machines, textile machinery, paper making machinery, etc.)

(3) State separately your gross sales of all commodities, and of machine tools and machine tool attachments, during your last fiscal year ended not later than the date when you calculated the adjustment under this section.

(4) Your average rate of return for the years 1938 through 1948 and your calculations of your average rate of return for these years for the portion of your business for which you calculated your adjustment. If you were not selling machine tools or machine tool attachments during the period 1938 through 1948, you must state that fact instead of giving this information.

(5) Your estimated rate of return for the next twelve month period under your ceiling prices for machine tools and machine tool attachments established by the applicable OPS regulation, other than this General Overriding Regulation. You must also state your calculation of this estimated rate of return.

(6) A representative sample of your ceiling prices for machine tools and machine tool attachments before and after the adjustment permitted by this section. You need not report such ceiling prices for more than five commodities.

(7) Your computation of the adjustment permitted by this section.

Within sixty days after twelve months have elapsed since the filing of your report, you must report to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., your actual rate of return and your computation of this actual rate of return, for this twelve month period for the portion of your business for which you calculated the adjustment.

SEC. 3. *Adjustment of ceiling prices for a particular machine tool or machine tool attachment.*—(a) *When you may receive an adjustment.* Your ceiling price for a particular machine tool or machine tool attachment may be adjusted whenever you can demonstrate that your ceiling price is less than 105.5 percent of your total unit costs for that machine tool or machine tool attachment.

(b) *Amount of the adjustment.* If you are entitled to an adjustment under the provisions of paragraph (a), you shall determine the amount of this adjustment as follows:

(1) Estimate, for the next twelve month period, your average total unit cost of the machine tool or machine tool attachment.

(2) Multiply the amount determined under (1) by 105.5 percent. The result is your adjusted ceiling price.

(3) You may use the adjusted ceiling price determined under (2) only for those sales of the machine tool or machine tool attachment which you make during the three calendar months following the date when you calculated the adjusted ceiling price. At the end of this three month period, you shall recalculate your adjusted ceiling price. You shall make this recalculation for the same twelve month period for which you made your original calculation. Also, you shall make this recalculation in the manner set forth in subparagraphs (1) and (2) of this paragraph, except that you shall reflect in this recalculation your actual experience during the past three month period and any changes which have occurred in your projected operations for the succeeding nine month period. The resulting adjusted ceiling price may be used only for the three calendar months following the date of your recalculation.

(4) You shall recalculate your adjusted ceiling price at the end of six and nine months in the manner set forth in subparagraph (3) of this paragraph. Again, the adjusted ceiling price which you calculate may be used only for the succeeding three month period.

(5) When twelve months have elapsed since you first determined your adjusted ceiling price under this section, you shall determine your average total unit cost of the machine tool or machine tool attachment for this twelve month period. You shall then multiply this average total unit cost by 105.5 percent. The result is your actual ceiling price.

(6) If the price at which you sold this machine tool or machine tool attachment during this twelve month period, exceeded by more than 5 percent your actual ceiling price determined under (5), you shall refund the entire amount of the excess to the person to whom you sold that machine tool or machine tool attachment. Each such refund must be made within sixty days after the twelve month period has elapsed. If the price at which you sold the machine tool or machine tool attachment exceeds your actual ceiling price determined under (5) by 5 percent or less, you need not make a refund.

(7) After twelve months have elapsed after your first calculation of your adjusted ceiling price, you may determine the adjusted ceiling price for the ensuing twelve month period. If you do so, this adjusted ceiling price must be determined in the manner set forth in subparagraphs (1) through (4) of this paragraph. Also, at the end of this twelve month period you must determine the refund, if any, which you must make to your customers in the manner set forth in subparagraphs (5) and (6) of this paragraph.

(c) *Report.* Before you sell, offer to sell or deliver a machine tool or machine tool attachment at the adjusted ceiling price determined under this section, you must file a report with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. This report must contain the following information (This information may be filed on a copy of Form OPS 56, which may be obtained from your nearest OPS office):

(1) Your name and address.

(2) A description of the machine tool or machine tool attachment whose ceiling price you have adjusted under this section.

(3) The ceiling price of the machine tool or machine tool attachment under the applicable OPS regulation, other than this General Overriding Regulation.

(4) Your estimated total unit costs of the machine tool or machine tool attachment, stating separately, direct labor, direct material, factory overhead, selling expense and administrative expense.

(5) Your adjusted ceiling price determined under this section. Within sixty days after twelve months have elapsed since the filing of your report, you must report to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., your average total unit costs of the machine tool or machine tool attachment for this twelve month period.

SEC. 4. *Modification of ceiling prices.* The Director of Price Stabilization may, by order, modify any ceiling price determined under this General Overriding Regulation, if that ceiling price was not determined properly in accordance with the provisions of this General Overriding Regulation. Such an order may apply retroactively to deliveries made before its issuance.

SEC. 5. *Definitions*—(a) *Machine tool.* This term means any power-driven machine used for shaping metal by cutting, abrading, straightening, forcing, forging, or forming under pressure.

(b) *Machine tool attachment.* This term means any accessory equipment

furnished with a machine tool or separately for use on a machine tool.

This term does not include engines, motors, drives, oil pumps, cutting tools, or similar items.

(c) *Manufacturer.* This term means any one of the following:

(1) Any person engaged in one or more operations in the fabrication, processing or assembly of the commodity being priced, including subcontractors.

(2) Any person who sells a commodity which has been produced on his account from materials or parts owned by him.

(3) Any person who sells a commodity under his own brand or trade name.

(d) *Rate of return.* This term means your aggregate net operating income, before income and excess profits taxes, plus interest paid by you, divided by your total assets used in your business. In determining your rate of return for any of the years 1938 to 1948, inclusive, you shall base the rate of return on your total assets used in your business as of the close of your fiscal year. In estimating or determining your rate of return for any period following your first calculation of the permitted adjustment under this General Overriding Regulation, you shall base the rate of return on your total assets used in your business as of the close of the last month for which this information is available, but you must decrease the amount of such total assets by the amount, if any, by which your reserve for taxes at the end of that month exceeds your reserve for taxes as of the close of your last prior fiscal year. All assets acquired after January 1, 1950, shall be depreciated at normal rates. If during any calendar year, 85 percent or more of your gross dollar sales were realized from your sales of machine tools and machine tool attachments, you shall determine your rate of return for your entire business for that calendar year. Otherwise, you shall determine your rate of return only for the machine tool and machine tool attachment portion of your business.

Effective date. This General Overriding Regulation shall become effective July 16, 1951.

NOTE: The reporting requirements of this General Overriding Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JULY 16, 1951.

[F. R. Doc. 51-8264; Filed, July 16, 1951; 10:25 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-16, as Amended July 13, 1951]

M-16—DISTRIBUTION OF COPPER RAW MATERIALS

This amendment to NPA Order M-16, as amended January 31, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries,

This amendment affects NPA Order M-16 dated January 31, 1951, as follows: It renumbers §§ 29.51 to 29.61 as sections 1 to 11 inclusive. It substitutes a new section 1; amends paragraph (c) of section 2; substitutes new paragraphs (f), (g), and (h), and deletes (i), (j), and (k) of section 2; substitutes new sections 3, 4, and 5; deletes paragraph (b) of section 6 and substitutes new paragraphs (b) and (c); amends section 7; changes paragraph (c) of section 9 to (d) and inserts a new paragraph (c); and effects other minor changes. As so amended, NPA Order M-16 reads as follows:

Sec.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to regulate the acceptance, delivery, and distribution of all copper raw materials (whether on toll agreements or otherwise) so as to provide an equitable distribution of such materials. It sets forth the classes of persons who may receive such materials without specific authorization from the National Production Authority and the types of copper raw materials such persons may so receive, and provides for application by all other persons to the National Production Authority for specific written authorization. It also limits toll agreements covering scrap and prohibits undue accumulation of scrap.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Copper" means unalloyed copper, including electrolytic copper, fire-refined copper, and all unalloyed copper in any form.

(c) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It includes fired and demilitarized cartridge and artillery cases, and all copper-base alloy in any form. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.

(d) "Scrap" means all copper or copper-base alloy materials or objects which are the waste or byproduct of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason.

(e) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cable where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(f) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire, except copper wire mill products; and seamless tube and pipe. Straightening, threading, chamfering and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs.
Cups.
Blanks and segments.
Forgings.
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(g) "Foundry product" means cast copper or copper-base alloy shapes and forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, or dipping, but does not include any further machining or processing.)

(h) "Copper raw materials" as used in this order includes the following materials as defined below:

(1) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products.

(2) "Brass mill scrap"—Uncontaminated scrap which is the waste or byproduct of the production or industry fabrication of brass mill products or copper wire mill products.

(3) "Other copper-base alloy scrap"—Alloyed copper scrap other than brass mill scrap.

(4) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(5) "Fired and demilitarized cartridge and artillery cases"—Fired and demilitarized cartridge and artillery cases which have been manufactured from brass mill products and are not contaminated.

(6) "Brass mill casting"—A copper-base alloy casting, from which brass mill or intermediate shapes may be rolled, drawn, or extruded, without remelting.

(7) "Copper-base alloy ingot"—A copper-base alloy used in remelting, alloying, or deoxidizing operations.

(8) "Copper or copper-base alloy shot and waffle"—Shot or waffle produced from copper or copper-base alloy, and to be used in remelting, alloying, deoxidizing, or chemical operations.

(9) "Copper or copper-base alloy powder"—Copper or copper-base alloy in the form of powder or flake, other than flake-type bronze powder.

(10) "Intermediate shape"—Any product which has been rolled, drawn, or extruded, from refined copper or brass mill castings, and which will be rerolled, redrawn, insulated, or further processed into finished brass mill or copper wire mill products by other producers of copper or copper-base alloy controlled materials.

(11) "Copper precipitates (or cement copper)"—Copper metal precipitated from mine water by contact with iron scrap, tin cans, or iron in other forms.

SEC. 3. *Acceptance of delivery of copper raw materials.* (a) Commencing on August 1, 1951, no person may accept delivery of any copper raw materials except as specifically authorized in writing by the National Production Authority: *Provided, however,* That a person listed in Column A of the table set forth at the end of this paragraph may accept delivery of the copper raw materials specified in the corresponding section of Column B of the table without such written authorization. In those sections of Column B where no copper raw material is specified but a form is indicated, persons desiring copper raw materials shall apply on such form for written authorization not later than the tenth day of the month preceding the month in which delivery is sought. Such application must furnish all information required by the form.

(A)	(B)
(1) Refiner—Any person who produces refined copper. This includes any person who converts copper-clad or copper-base, or copper-base alloy-clad steel scrap into refined copper.	(1) Other unalloyed copper scrap; other copper-base alloy scrap; refined copper.
(2) Scrap dealer and broker—Any person regularly engaged in the business of buying and selling scrap, but who does not melt such scrap.	(2) Other unalloyed copper scrap [1]; other copper-base alloy scrap [1]; brass mill scrap [1]; contaminated fired and demilitarized cartridge and artillery cases.[1]
(3) Jobber dealer—Any person who receives physical delivery of refined copper, copper-base alloy ingot, or copper or copper-base alloy shot, and sells or holds the same for sale without change in form.	(3) None (apply on Form NPAF-83).
(4) Exporter—Any person who exports copper raw materials.	(4) None (apply on Form NPAF-83 and give export license number).
(5) Brass mill—Any person who produces brass mill products, brass mill castings, or intermediate shapes.	(5) None (apply on Form NPAF-83).
(6) Copper wire mill—Any person who produces copper wire mill products or intermediate shapes.	(6) None (apply on Form NPAF-83).
(7) Brass and bronze foundry—Any person who produces foundry copper or copper-base alloy products.	(7) None [2] (apply on Form NPAF-83).
(8) Ingot maker—Any person who produces copper-base alloy ingot for delivery as such.	(8) None [2] (apply on Form NPAF-83).
(9) Miscellaneous producer—Any person, not falling in one of the classes described above, who requires copper raw materials in his regular production operation. Examples: Chemical plants, iron foundries, aluminum foundries, electrotypers, etc.	(9) None (apply on Form NPAF-83).
(10) Scrap generator—Any person, other than a scrap dealer, who in his normal operations generates or accumulates scrap or copper-clad or copper-base alloy-clad steel scrap, but who is not in the business of producing copper raw materials, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products.	(10) None.
(11) All other persons	(11) None.

[1] See also section 5 (b) of this order.

[2] Foundries and ingot makers may exchange among themselves, and with each other, copper-base alloy ingot on an equivalent copper content basis without charging such deliveries against their authorizations.

(b) Any person who receives written authorization to accept delivery of copper raw materials shall furnish to his supplier a signed certification in substantially the following form:

> The undersigned certifies, subject to statutory penalties, that acceptance of delivery of the copper raw materials herein ordered is permitted pursuant to NPA Authorization No. _____.

This certification constitutes a representation by the purchaser to the seller, and to the National Production Authority, that delivery of the copper raw materials may be accepted by the purchaser pursuant to the indicated written authorization.

(c) Notwithstanding the provisions of paragraph (a) of this section, a person may, during the calendar quarter commencing July 1, 1951, and each calendar quarter thereafter, receive copper raw materials without specific authorization of the National Production Authority, provided:

(1) That his total receipts of all copper raw materials from all sources during that calendar quarter do not exceed 300 pounds copper content, and

(2) That he furnishes to the person who supplies the material a signed certification in substantially the following form:

> The undersigned hereby certifies, subject to statutory penalties, that receipt of the copper raw materials herein ordered in the calendar quarter requested will not bring his total receipts during that quarter above 300 pounds copper content.

This certification constitutes a representation by the purchaser to the seller, and to the National Production Authority, that delivery of such copper raw materials may be accepted by the purchaser pursuant to this order.

SEC. 4. *Restrictions on disposal of scrap.* (a) No person other than establishments of the United States Army, Navy, or Air Force, such as arsenals, navy yards, gun factories, and depots, or a person who is in the business of producing copper raw materials (such as refineries, ingot makers, copper wire mills, brass mills, or foundries), or a person who qualifies as a "Miscellaneous producer" as listed in Column A under section 3 of this order, shall melt or process any scrap or copper-base alloy-clad steel scrap generated in his plant through fabrication, or accumulated in his operations through obsolescence, except as specifically authorized in writing by the National Production Authority, nor shall he dispose of such materials in any way other than by delivery to a person authorized by this order to accept delivery.

(b) No person shall dispose of any material, the delivery of which he accepted as scrap, other than as scrap, except with the specific authorization of the National Production Authority: *Provided, however,* That scrap dealers and brokers may sell in each month as usable material a quantity of material that was acquired as scrap and does not in the aggregate exceed 1,000 pounds (copper content).

(c) Nothing contained in this order shall prohibit any public utility from using "as is," in its own operation, copper wire or cable which has become scrap by obsolescence.

SEC. 5. *Restrictions on inventory accumulations.* (a) Unless specifically authorized by the National Production Authority, no person who generates scrap in his operations through fabrication, manufacture, or obsolescence shall keep on hand more than 30 days' accumulation of scrap or copper-clad or copper-base alloy-clad steel scrap unless such accumulation aggregates less than 2,000 pounds.

(b) No scrap dealer may accept delivery of any kind, grade, or type of scrap if his total inventory of scrap (including inventory not physically located in the dealer's yard or plant) is, or by such receipt would become, in excess of the weight of his total deliveries of scrap (copper content) during the preceding 60-day period.

(c) The provisions of paragraph (a) of this section shall not apply to the establishments of the United States Army, Navy, or Air Force, such as arsenals, navy yards, gun factories, and depots: *Provided, however,* That such establishments shall report to the National Production Authority by August 10, 1951, with respect to July, and by the tenth day of each month thereafter with respect to the preceding month, the quantity and type of scrap at each such location.

SEC. 6. *Restrictions on toll agreements.* (a) Commencing on December 18, 1950, and unless the person delivering or owning the scrap, or the person for whose benefit the conversion, remelting, or other processing of the scrap will be effected, has received the approval of the National Production Authority, no person shall deliver scrap, and no person shall accept such scrap, for converting, remelting, or other processing into electrolytic or fire-refined copper under any existing or future toll agreement, conversion agreement, or other arrangement by which title to the scrap remains vested in the person delivering or owning the scrap, or pursuant to which unalloyed copper in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement as described in this paragraph.

(b) Commencing on July 15, 1951, and unless the person delivering or owning the refined copper or scrap, or the person for whose benefit the conversion, remelting, or other processing of the refined copper or scrap will be effected, has received the written approval of the National Production Authority, no person shall deliver refined copper or scrap, and no person shall accept same, for converting, remelting, or other processing into electrolytic or fire-refined copper, copper wire mill products, brass mill products, foundry products, or copper-base alloy ingot, under any existing or future toll agreement, conversion agreement, or other arrangement by which title to the refined copper or scrap remains vested in the person delivering or owning the refined copper or scrap, or pursuant to which unalloyed copper, copper wire mill products, brass mill products, foundry products, or copper-base alloy ingot, in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the refined copper or scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement hereinabove described. Nothing contained in this paragraph shall prohibit railroads from converting or having converted for them, railroad engine castings and car journal bearings for their own use.

(c) Persons requesting such approval shall file with the National Production Authority a letter setting forth the names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade, and form of the refined copper or scrap involved; the tonnage of the refined copper or scrap and the estimated tonnage of the electrolytic or fire-refined copper, copper wire mill products, brass mill products, foundry products, or copper-base alloy ingot resulting; the estimated rate and dates of delivery of such copper or copper products; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such copper or copper products are to be used; and such other information as the applicant may wish to submit.

SEC. 7. *Authorizations and directives.* The National Production Authority may issue authorizations or directives from time to time with respect to the delivery, disposal, and conversion of scrap. Such authorizations and directives shall be complied with by the recipients thereof.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Any person who uses or processes copper or copper-base alloy in his operations and who falls within the general classification set forth in Column A of the table at the end of this paragraph shall complete and return the Bureau of Mines form identified in the corresponding section of Column B of the table to the address specified on the form, in the number of copies specified on the form, on or before the twentieth day of July 1951 with respect to such use or processing during June 1951, and on or before the fifteenth day of each succeeding month with respect to such use or processing during the preceding month.

(A)	(B)
(1) Brass ingot makers and miscellaneous remelters	(1) 6–115–M.
(2) Brass mills and copper wire mills	(2) 6–115–MS.
(3) Primary smelters	(3) 6–1045–M.
(4) Primary refiners	(4) 6–1046–M.

(d) Persons subject to this order shall make such other records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–16.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority on allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order as amended shall take effect on July 13, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–8228; Filed, July 13, 1951; 4:56 p. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[Mineral Order 5, as Amended]

MO 5—Regulations Governing Government Aid in Defense Exploration Projects

This regulation as amended is found to be necessary and appropriate to carry out the provisions of the Defense Production Act of 1950 with reference to the encouragement of exploration, development, and mining of critical and strategic minerals and metals pursuant to section 303 (a) (2) of the act. In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY PROVISIONS

Authority: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 303, Pub. Law 774, 81st. Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

EXPLANATORY PROVISIONS

Section 1. *What this regulation does.* This regulation sets forth procedures under which Government aid may be obtained in financing the cost of projects for exploration for unknown or undeveloped sources of strategic or critical metals and minerals.

Sec. 2. *Government aid.* The Government, in suitable cases, will aid in an exploration project for strategic or critical metals and minerals by providing some part of the costs of the project, the Government's contribution to be repayable from the net returns from any ore, concentrates, or metal produced as a result of the exploration project.

APPLICATIONS AND CONTRACTS

Sec. 3. *Forms and filing.* Application for Government aid in any specified exploration project shall be submitted in quadruplicate on Form NF-103, either to:

The Defense Minerals Administration,
Department of the Interior,
Washington 25, D. C.

or to the nearest Defense Minerals Administration field executive officer as indicated by the following addresses:

Region	Area served	Address
I	Alaska	Federal Bldg., P. O. Box 2990, Juneau, Alaska.
II	Washington, Oregon, Idaho, and Montana	South 157 Howard St., Spokane, Wash.
III	California and Nevada	1415 Appraisers Bldg., San Francisco, Calif.
IV	Arizona, New Mexico, Colorado, Utah, and Wyoming	224 New Customhouse Bldg., Denver 2, Colo.
V	North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, and Michigan.	426 Plymouth Bldg., Minneapolis, Minn.
VI	Kansas Louisiana, Oklahoma, Texas, Arkansas, and Missouri.	P. O. Box 431, Joplin, Mo.
VII	Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.	Room 13, Post Office Bldg., Knoxville, Tenn.
VIII	Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Maryland, New York, Vermont, Maine, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, Pennsylvania, and Massachusetts.	Eastern Experiment Station, College Park, Md.

Sec. 4. *Scope of application.* Each application shall relate to a single exploration project which shall be fully described and justified by detailed substantiating data as called for by the application form. The Administrator may require the filing of additional information, reports, maps or charts, and exhibits, in connection with the application, and may, at his discretion, require such physical examination of the project as he deems necessary.

Sec. 5. *Form and term of contracts.* If the application is approved, the Government, acting through the Administrator, will enter into an exploration project contract with the applicant on Form MF–200. No exploration project that will take more than two years to perform shall be approved for an exploration project contract.

Sec. 6. *Criteria.* The following factors will be considered and weighed in passing upon applications:

(a) Strategic importance of the mineral involved.

(b) The geologic probability of making a significant discovery.

(c) The availability of manpower.

(d) The availability of equipment and supplies.

(e) The accessibility of the project.

(f) The availability of water and power.

(g) The operating experience and background of the applicant.

Sec. 7. *Definitions.* As used in these regulations:

(a) "Exploration project" means the search for unknown or undeveloped sources of strategic or critical metals or minerals within a specified area or parcel of ground in the United States, its territories or possessions, whether conducted from the surface or underground, including recognized and sound procedures for obtaining pertinent geological, geophysical, and geochemical information. The work shall not go beyond a reasonable delineation and sampling of the ore, and shall not include work prosecuted primarily for mining or preparation for mining.

(b) "Operator" means a person, firm, partnership, corporation, association, or other legal entity by whom or for whose account and interest an exploration project is to be carried out.

(c) "Administrator" means the Administrator of Defense Minerals Administration or his representative authorized in writing.

(d) "Government" means The United States of America.

GOVERNMENT PARTICIPATION

Sec. 8. *Ratio of contributions.* The Government will contribute to the exploration project, upon the terms specified in the contract, a certain percentage of the total cost of the project, depending upon the mineral which is the subject of exploration, as follows:

(a) In the case of chromium, copper, fluorspar, graphite (crucible flake), iron ore, lead, molybdenum, sulfur, halloysite (catalytic grade), bauxite, zinc (and cadmium)—50 percent.

(b) In the case of antimony, manganese, mercury, tungsten—75 percent.

(c) In the case of asbestos (chrysotile and amosite), beryl, cobalt, columbium-tantalum, corundum, cryolite, industrial diamonds, kyanite (strategic), mica (strategic), monazite, uranium, and rare earth ores, nickel, platinum group metals, quartz crystals (piezo-electric), talc (steatite), and tin—90 percent.

Sec. 9. *Fixtures and improvements.* The Operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances to the purposes of the exploration project without any allowance for the use, rental value, depreciation, depletion, or other cost of acquiring, owning, or holding possession thereof. With the written approval in advance by the Administrator, necessary additional facilities, buildings, and fixtures may be purchased, installed and erected by the Operator, and the Government will contribute its agreed pro rata share of the cost thereof. The difference between the cost of such additional facilities, buildings, or fixtures, and the salvage value thereof at the conclusion of the work, shall be charged as a cost of the project to which the Government has contributed its pro rata share.

Sec. 10. *Operating equipment.* With the written approval in advance by the Administrator, necessary operating equipment may be rented, purchased, or otherwise furnished by the Operator. Rentals paid for equipment rented and depreciation on equipment owned and furnished by the Operator shall be allowed as costs of the project. As to equipment purchased for the project, the

Government will contribute currently its agreed pro-rata share of the cost thereof, and the difference between the cost and the salvage value at the conclusion of the work shall be charged as a cost of the project to which the Government has contributed its pro-rata share.

SEC. 11. *Title to and disposition of property.* All facilities, buildings, fixtures, equipment, or other items costing more than $50 each, paid for or purchased with funds contributed jointly by the Operator and the Government, shall belong to the Operator and the Government jointly, in proportion to their respective contributions, and upon the termination of the contract, if they have any salvage value, shall be disposed of for their joint account unless the Government, in writing, waives its interest in any such items. The Government may require the dismantling, severance from land, and removal of any such items in order to realize its interest in the salvage value thereof, and the cost of any such removal and of the disposal of the items shall be for the joint account of the parties in proportion to their respective interests.

SEC. 12. *Allowable costs of the project.* The allowable costs of the project in which the Government will participate shall include the following:

(a) The necessary, reasonable, direct costs of performing the exploration work, including the costs of materials, supplies, labor, direct supervision, engineering, power, water, utilities, accounting and analytical work.

(b) The reasonable, necessary cost of rehabilitating and putting into useful and operable condition existing facilities, buildings, installations, and fixtures, and of maintaining them in that condition.

(c) If the purchase, installation, or erection was approved in advance by the Administrator, as provided in section 10 of this regulation, the depreciation on fixtures and improvements computed as provided in section 10 of this regulation.

(d) If the rental or purchase of operating equipment was approved in advance by the Administrator, as provided in section 11, of this regulation, the rental, rental value, or depreciation on operating equipment, computed as provided in section 11 of this regulation. No items of general overhead, corporate or office management, interest, taxes, or any other indirect costs not expressly allowed by these regulations, or work performed or costs incurred before the date of the contract, shall be allowed as costs of the project in which the Government will participate.

SEC. 13. *Repayment by Operator.* (a) If, upon the completion of the exploration project or termination of the contract, the Administrator considers that a discovery or development has resulted from the work from which commercial production of ore may be made, the Administrator, within six months thereafter shall so certify to the Operator, particularly describing and delimiting his estimate of the discovery of the development. Thereafter, if and when ore is produced as a result of such discovery or development, the Operator and his successor in interest shall be and become obligated to pay to the Government a percentage royalty on the net smelter returns or other net proceeds realized from such ore, concentrates, or metal produced within (10) years from the date of this contract, until the total amount contributed by the Government, without interest, is fully repaid or said ten years have elapsed, whichever occurs first, as follows:

(1) Of net smelter returns or other net proceeds not in excess of eight dollars ($8.00) per ton of ore: one and one-half (1½) percent.

(2) Of net smelter returns or other net proceeds in excess of eight dollars ($8.00) per ton of ore: one and one-half (1½) percent, plus one-half (½) percent for each additional full fifty cents ($.50) in excess of eight dollars ($8.00) per ton of ore, but not in excess of a maximum of five (5) percent.

(b) This obligation to repay from net returns or proceeds shall be and remain a claim and lien upon the property which is the subject of the exploration project and upon any production resulting from such discovery or development, in favor of the Government, until fully paid, or until said ten-year period has elapsed; and this claim and lien and the Government's right to repayment shall survive any termination of the contract, whether by completion of the exploration project or otherwise. This section is not to be construed as imposing any obligation on the Operator or his successor in interest to produce ore from any such discovery or development.

This regulation shall become effective upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

[F. R. Doc. 51-8269; Filed, July 16, 1951; 12:20 p. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas, originally issued at 16 F. R. 3838 (May 2, 1951) and last amended at 16 F. R. 6777 (July 13, 1951), is hereby further amended to read as follows:

APPENDIX 1 TO CR 3 (AS AMENDED)—CRITICAL DEFENSE HOUSING AREAS [1]

Critical defense housing area and State:	Date designated
1. San Diego, Calif.	May 2, 1951
2. Corona, Calif.	May 8, 1951
3. Colorado Springs, Colo.	Do.
4. Star Lake, N. Y.	May 23, 1951
5. Fort Leonard Wood Area, Mo.	Do.
6. Camp Cooke, Area, Calif.	June 8, 1951
7. Bremerton, Wash.	Do.
8. San Marcos, Tex.	Do.
9. Valdosta, Ga.	June 20, 1951
10. Tullahoma, Tenn.	Do.
11. Camp Pendleton Area, Calif.	Do.
12. Solano County, Calif.	June 29, 1951
13. Quad Cities Area,[2] Iowa-Ill.	Do.
14. Hanford AEC Operations Area, Wash.	July 3, 1951
15. Barstow, Calif.	Do
16. Camp Roberts Area, Calif.	Do
17. Brazoria County, Tex.	Do
18. Tooele, Utah	Do
19. Dana, Ind.	July 13, 1951
20. El Centro-Imperial Area, Calif.	Do
21. Borger, Tex.	Do
22. Huntsville, Ala.	Do
23. Mineral Wells, Tex.	July 17, 1951
24. Las Cruces, N. Mex.	Do
25. Alamagordo, N. Mex.	Do

B. T. FITZPATRICK,
Acting Housing and
Home Finance Administrator.

[F. R. Doc. 51-8157; Filed, July 16, 1951; 8:49 a. m.]

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

[2] Area of Davenport, Iowa; and Moline, East Moline, and Rock Island, Illinois.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), §§ 203.245 (f) and (h), 203.465 (b), 203.700, 203.711, and 203.714 are hereby amended, §§ 203.237 and 203.707 are hereby prescribed, and the cross reference note following § 203.706 is changed so as to follow § 203.707, as follows:

§ 203.237 *St. Jones River, Del.; Delaware State Highway Department bridge at Lebanon.* (a) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on signal at approximately the time specified in the notice.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representatives specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(5–a) South River, Md.; Anne Arundel County highway bridge at Riva. Between sunset and sunrise, at least five hours' advance notice required: *Provided*, That any notice is sufficient if given directly to the draw tender while on duty.

* * * * * *

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* * * *

(13–a) St. Marys River, Ga. and Fla.; State Road Department of Florida and Seaboard Air Line Railway Company bridges at Kingsland, Ga. At least 48 hours' advance notice required.

* * * * * *

(16) St. Johns River, Fla.; Florida East Coast Railway Company bridge at Cook's Ferry. [This subparagraph revoked.]

(16) St. Johns River, Fla.; State Road Department of Florida bridge about one mile south of Lake Harney. At least 24 hours' advance notice required. [This subparagraph added.]

* * * * * *

(19) Kissimmee River, Fla.; Seaboard Air Line Railway Company bridge near Fort Bassenger and State Road Department of Florida bridge near southerly end of Lake Kissimmee. At least 24 hours' advance notice required.

* * * * * *

§ 203.465 *Hillsboro River, Tampa, Fla.* * * *

(b) *City of Tampa highway bridges at Garcia Avenue and at West Columbus Drive (Michigan Avenue).* (1) The owner of or agency controlling these bridges will not be required to keep draw tenders in constant attendance between 10:00 p. m. and 6:00 a. m.

(2) Persons requiring the opening of the draw of either bridge between 10:00 p. m. and 6:00 a. m. shall, except in an emergency, give one hour's advance notice of the time at which such opening will be required. Such notice may be given in person, in writing, or by telephone to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such notice, the authorized representative shall cause a a draw tender to be on duty at the bridge at the time specified in the notice, and the bridge shall at such time and for a reasonable period thereafter be prepared to open promptly for the passage of vessels.

(3) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph, together with a notice stating exactly how the representative specified in subparagraph (2) of this paragraph may be reached.

* * * * *

§ 203.700 *Saginaw River, Mich.; bridges.* * * *

(i) The bridges shall not be required to open for pleasure craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Upon request, the District Engineer, Corps of Engineers, Detroit, Michigan, will cause an inspection to be made of the superstructures and appurtenances of any such craft habitually frequenting the waterway, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

§ 203.706 *Sandusky Bay, Ohio.* * * *

CROSS REFERENCE: Black Rock Canal, Ferry Street Bridge, see § 207.590.

[This note eliminated.]

§ 203.707 *Buffalo Harbor, N. Y.; City of Buffalo bridges across Buffalo River and Buffalo Ship Canal.* (a) The Michigan Avenue bridges across Buffalo River and Buffalo Ship Canal will not be required to open for the passage of vessels from 7:00 to 7:30 a. m., 8:00 to 8:30 a. m., 3:45 to 4:30 p. m., and 5:15 to 6:00 p. m.

(b) The Ohio Street bridge across Buffalo River will not be required to open for the passage of vessels from 7:30 to 8:00 a. m., 8:45 to 9:15 a. m., 3:00 to 3:45 p. m., and 4:30 to 5:15 p. m.

(c) The South Park Avenue bridge across Buffalo River will not be required to open for the passage of vessels from 7:00 to 8:30 a. m. and 4:30 to 6:00 p. m.

(d) The closed periods prescribed in this section shall not be effective on Sundays and on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day or days observed in lieu of any of these under State law.

(e) The draws of these bridges shall be opened promptly on signal for the passage of any vessel at all times during the day or night except as otherwise provided in this section.

CROSS REFERENCE: Black Rock Canal, Ferry Street Bridge, see § 207.590 of this chapter.

§ 203.711 *Los Angeles and Long Beach Harbors, Calif.*—(a) *Long Beach Harbor Entrance Channel; temporary retractable pontoon bridge*—(1) *Closed periods.* From 7:00 to 7:45 a. m. and from 4:15 to 5:15 p. m. daily, except Sundays and holidays for Federal employees, this bridge will not be required to open for the passage of vessels, except in cases of extreme emergency.

(2) *Signals.* The call signal for opening the bridge shall be one long blast followed by two short blasts. This signal shall be acknowledged by two long blasts followed by one short blast when the bridge can be opened immediately, and by two long blasts when the bridge cannot be opened immediately.

NOTE: As used in this section, the term "long blasts" means distinct blasts of a whistle or horn or calls through a megaphone of four seconds' duration, and the term "short blasts" means distinct blasts of a whistle or horn or calls through a megaphone of one second's duration.

(3) *Signs.* The owner of or agency controlling the bridge shall keep conspicuously posted on the south and north sides thereof, in such manner that they can be easily read from approaching vessels, signs showing the call and acknowledging signals prescribed in subparagraph (1) of this paragraph.

(b) *Cerritos Channel; Commodore Schuyler F. Heim highway bridge, and Henry Ford (formerly Badger) Avenue railroad and highway bridge approximately 130 feet westerly thereof*—(1) *Closed periods.* From 6:45 to 8:00 a. m. and from 4:00 to 5:15 p. m. daily, except Sundays and holidays for Federal employees, the draw of the Commodore Schuyler F. Heim bridge will not be required to open for the pasage of vessels, except in case of extreme emergency. The draw of the Henry Ford Avenue bridge shall be opened with the least possible delay at any time on receiving the prescribed signal.

(2) *Signals for opening of both bridges.* * * *

NOTE: * * *

(3) *Signals for opening of Henry Ford Avenue bridge only.* * * *

(4) *Signs.* * * *

§ 203.714 *San Joaquin River and its tributaries, Calif.* * * *

(c) *Middle River*—(1) *San Joaquin County highway bridge between Bacon Island and Lower Jones Tract.* On Sundays and national holidays, and between 5:00 p. m. and 8:00 a. m. on all other days, at least 12 hours' advance notice required, to be given to the County Surveyor of San Joaquin County, Stockton, California, except that if, during crop moving seasons, 20 or more passages through the bridge in any 30-day period are contemplated and 15 days' notice is given of the proposed traffic, the owner will be required to keep a draw tender in constant attendance for the duration of such period.

(1–a) *The Atchison, Topeka and Santa Fe Railway Company bridge near Middle River Station.* * * *

[Regs., June 26, 1951, 823.01–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51–8154; Filed, July 16, 1951; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Corr. S. O. 870, Amdt. 2]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of July A. D. 1951.

Upon further consideration of Service Order No. 870 (15 F. R. 8994, 9065; 16 F. R. 2895), and good cause appearing therefor: It is ordered, that:

Section 95.870 *Free time on freight cars loaded at ports* of Service Order No. 870 be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p. m., October 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 15, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8129; Filed, July 16, 1951; 8:46 a. m.]

[Corr. S. O. 871, Amdt. 2]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of July A. D. 1951.

Upon further consideration of Service Order No. 871 (15 F. R. 8995, 9066; 16 F. R. 2895), and good cause appearing therefor: It is ordered, That:

Section 95.871 *Free time on unloading box cars at ports* of Service Order No. 871 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., October 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 15, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-8130; Filed, July 16, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 521]

APPRENTICES

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator has heretofore issued regulations (29 CFR Part 521) governing the employment of apprentices at wages lower than the minimum wage applicable under section 6 of the act.

The regulations contained in this part have been reexamined in the light of administrative experience. All relevant information available indicates that it is necessary to revise the regulations contained in this part in order to clarify the standards applicable to the employment of apprentices under the regulations and to make the procedures provided therein conform to administrative experience. The standards incorporated in the regulations as revised are those adopted by the Bureau of Apprenticeship, United States Department of Labor, upon the recommendation of the Federal Committee on Apprenticeship.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to revise this part as hereinafter set forth. Prior to final adoption of the revised regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from publication of this notice in the FEDERAL REGISTER.

Sec.

AUTHORITY: §§ 521.1 to 521.12 issued under sec. 11, 14, 52 Stat. 1066, 1068; 29 U. S. C. 211, 214.

§ 521.1 *Employment of apprentices at subminimum wages.* The Administrator or his authorized representative, to the extent necessary in order to prevent curtailment of opportunities for employment, shall issue special certificates to employers or joint apprenticeship committees[1] authorizing the employment of apprentices in skilled trades at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, subject to the conditions and limitations prescribed in this part.

§ 521.2 *Definitions.* As used in this part:

(a) "Apprentice" means a worker at least sixteen years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade as defined in § 521.4, and in conformity with or substantial conformity with the standards of apprenticeship as set forth in § 521.3.

(b) "Apprenticeship agreement" means a written agreement between an apprentice and either his employer or a joint apprenticeship committee, which contains the terms and conditions of the employment and training of the apprentice, and which conforms or sub-

[1] An individual employer participating in an apprenticeship program under the control and supervision of a joint apprenticeship committee may employ an apprentice under a temporary or special certificate issued to or held by such joint apprenticeship committee. However, it is the responsibility of the employer, and not of the joint apprenticeship committee, that such employment be in compliance with the regulations and with the certificate.

stantially conforms with the standards of apprenticeship set forth in § 521.3.

(c) "Apprenticeship program" means a complete plan of terms and conditions for the employment and training of apprentices which conforms or substantially conforms with the standards of apprenticeship, as set forth in § 521.3.

(d) "Joint apprenticeship committee" means a local committee, equally representative of employers and employees, which has been established by a group of employers and a bona fide bargaining agent or agents, to direct the training of apprentices with whom it has made agreements. This term does not include a joint apprenticeship committee established for an individual plant.

(e) "Recognized apprenticeship agency" means either (1) a state apprenticeship agency recognized by the Bureau of Apprenticeship, United States Department of Labor, or (2) if no such apprenticeship agency exists in the state, the Bureau of Apprenticeship, United States Department of Labor.

(f) "Registration" means the approval by a recognized apprenticeship agency of an apprenticeship program or agreement as meeting the basic standards adopted by the Bureau of Apprenticeship, United States Department of Labor, upon the recommendation of the Federal Committee on Apprenticeship.

(g) "State" means any state of the United States or the District of Columbia or any territory or possession of the United States.

§ 521.3 *Standards of apprenticeship.* An apprenticeship program must conform with or substantially conform with the following standards of apprenticeship before the Administrator or his authorized representative will issue a special certificate authorizing employment of an apprentice under such program at wages lower than the minimum wages applicable under section 6 of the act:

(a) Employment and training of the apprentice in a skilled trade. A skilled trade is an apprenticeable occupation which satisfies the criteria set forth in § 521.4.

(b) Two or more years (4,000 or more hours) of work experience.

(c) A progressively increasing schedule of wages to be paid the apprentice which averages at least 50 percent of the journeyman's rate over the period of apprenticeship.

(d) A schedule of work processes or operations in which experience is to be given the apprentice on the job.

(e) Submission of the apprenticeship program and the apprenticeship agreement to the recognized apprenticeship agency for registration as provided in § 521.5.

(f) Joint agreement to the apprenticeship program by the employer and the bona fide bargaining agent, where a bargaining agent exists.

(g) An indication that the number of apprentices to be employed conforms to the needs and practices in the community.

(h) Adequate facilities for training and supervision of the apprentice and the keeping of appropriate records concerning his progress.

(i) Related instruction, if available. (144 hours a year is normally considered necessary. Related instruction means an organized and systematic form of instruction which is designed to provide the apprentice with knowledge of the theoretical and technical subjects related to his trade. Such instruction may be given in a classroom, through correspondence courses, or other forms of self-study.)

§ 521.4 *Criteria for a skilled trade.* A skilled trade is an apprenticeable occupation which possesses all of the following characteristics:

(a) Is customarily learned in a practical way through training and work experience on the job.

(b) Is clearly identified and commonly recognized throughout an industry.

(c) Requires two or more years (4,000 or more hours) of work experience to learn.

(d) Requires related instruction to supplement the work experience (which instruction may be provided in accordance with § 521.3 (i)).

(e) Is not merely a part of an apprenticeable occupation.

(f) Involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products of any one company.

(g) Does not fall into any of the following categories:

(1) Selling, retailing, or similar occupations in the distributive field.

(2) Managerial occupations.

(3) Clerical occupations.

(4) Professional and semi-professional occupations (this category covers occupations for which entrance requirements customarily include education of college level).

§ 521.5 *Procedure for employment of an apprentice at subminimum wages.* Before an apprentice may be employed at subminimum wages, the employer or joint apprenticeship committee shall submit or shall have submitted an apprenticeship program to the appropriate recognized apprenticeship agency for registration.

An apprenticeship program which has been registered with a recognized apprenticeship agency shall constitute a temporary special certificate authorizing the employment of an apprentice at the wages and under the conditions specified in such program until a special certificate is issued or denied. This temporary authorization is, however, conditioned on the requirement that within 90 days from the beginning date of employment of the apprentice, the employer or the joint apprenticeship committee shall satisfy all the following requirements: (a) Enter into an apprenticeship agreement with each apprentice, (b) submit the agreement to the recognized apprenticeship agency for registration, and (c) send the apprenticeship agreement, or a true copy thereof, with evidence of registration, to the wage and Hour Division, United States Department of Labor, Washington, D. C., and to the appropriate regional office of the Wage and Hour Division: *Provided, however,* That the Administrator or his authorized representative has not previously notified the employer or joint apprenticeship committee of disapproval of a registered apprenticeship agreement for the same or similar trade or trades as not conforming or substantially conforming with the standards of apprenticeship set forth in § 521.3.

If the agreement submitted to the Wage and Hour Division has not been registered, it should be accompanied by an explanation of the efforts made to have the agreement registered and the reasons, if any, given by the recognized apprenticeship agency for not registering it.

§ 521.6 *Issuance of special certificates.* (a) If the apprenticeship agreement and other available information indicate that the requirements of § 521.3 and the other requirements of this part are satisfied, the Administrator or his authorized representative shall issue a special certificate in accordance with § 521.1. Otherwise, he shall deny the special certificate.

(b) The special certificate, if issued, shall be mailed to the employer or the joint apprenticeship committee and a copy shall be mailed to the apprentice. If a special certificate is denied, the employer or the joint apprenticeship committee, the apprentice and the recognized apprenticeship agency shall be given written notice of the denial. The employer shall pay the apprentice the minimum wage applicable under section 6 of the act from the date of receipt of notice of such denial.

§ 521.7 *Terms of special certificates.* (a) Each special certificate shall specify the conditions and limitations under which it is granted, including the name of the apprentice, the skilled trade in which he is to be employed, the subminimum wage rates and the periods of time during which such wage rates may be paid.

(b) The terms of any special certificate, including the wages specified therein, may be amended for cause.

§ 521.8 *Records.* (a) Every employer who employs an apprentice under this part must keep the records called for under the record-keeping regulations (Part 516 of this chapter), including designation of apprentices on the payroll. In addition, every employer who employs apprentices under temporary or special certificates issued to or held by such employer shall preserve the apprenticeship program, apprenticeship agreement and special certificate under which such apprentice is employed.

(b) Every joint apprenticeship committee which holds a certificate under this part shall keep the following records for each apprentice under its control and supervision:

(1) The apprenticeship program, apprenticeship agreement and special certificate under which the apprentice is employed by an employer;

(2) The cumulative amount of work experience gained by the apprentice, in order to establish the proper wage at the time of his assignment to an employer; and

(3) A list of the employers to whom the apprentice was assigned and the period of time he worked for each employer.

(c) The records required by paragraphs (a) and (b) of this section shall be maintained and preserved for at least three years from the termination of the apprenticeship. Such records shall be kept safe and accessible at the place or places of employment or at the place or places where such records are customarily maintained. All records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 521.9 *Cancellation of special certificates.* (a) The Administrator or his authorized representative may cancel any special certificate for cause. A certificate may be canceled (1) as of the date of the employment of an apprentice, if it is found that fraud has been exercised in obtaining the certificate or in employing an apprentice thereunder; (2) as of the date of violation, if it is found that any of its terms have been violated; or (3) as of the date of notice of cancellation, if it is found that the special certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the provisions of this part have not been complied with. The apprentice must be paid the minimum wage applicable under section 6 of the act from the date of cancellation.

(b) No order canceling any special certificate shall take effect until the expiration of the time allowed for requesting reconsideration or review under § 521.11, and, if a petition for reconsideration or review is filed, the effective date of the cancellation order shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed, the employer shall reimburse any person employed under a special certificate which has been canceled for fraud or violation in an amount equal to the difference between the statutory minimum wage applicable under section 6 of the act and any lower wage paid such person subsequent to the date as of which the special certificate was canceled as provided in paragraph (a) of this section.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any special certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the employer or the joint apprenticeship committee in writing and an opportunity shall be afforded to demonstrate or achieve compliance with all lawful requirements.

§ 521.10 *Investigations and hearings.* The Administrator or his authorized representative may conduct an investigation, which may include a public hearing, prior to taking any action pursuant to this part. Interested persons shall be given notice of any such hearing by publication in the FEDERAL REGISTER or by mail and shall be afforded an opportunity to present their views.

§ 521.11 *Reconsideration and review.* (a) Any person aggrieved by the action of an authorized representative of the Administrator in denying, granting, or canceling a special certificate may, within 15 days after such action, (1) file a written request for reconsideration thereof by the authorized representative of the Administrator who made the decision in the first instance, or (2) file a written request for review of the decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings.

(c) Any person aggrieved by the action of an authorized representative of the Administrator in denying a request for reconsideration may, within 15 days thereafter, file a written request for review.

(d) Any person aggrieved by the reconsidered determination of an authorized representative of the Administrator may within 15 days after such determination, file a written request for review.

(e) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(f) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

§ 521.12 *Amendment of this part.* The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

Signed at Washington, D. C., this 6th day of July 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 51-8163; Filed, July 16, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Maritime Administration

NOTICE OF DEPOSIT OF JUST COMPENSATION FOR USE OF VESSEL S. S. FARIDA (EX-KOTKAS)

Notice is hereby given that on June 29, 1951, the Maritime Administration, Department of Commerce, acting pursuant to the act of June 6, 1941, Public Law 101; 77th Congress (55 Stat. 242), as amended (50 U. S. C. App. 1271), particularly by section 3 (a) of the act of March 24, 1943, Public Law 17; 78th Congress (57 Stat. 48), deposited with the Treasurer of the United States the sum of $11,437.97 as just compensation for the use of the vessel S. S. Farida, of Panamanian registry) (ex-Kotkas of Estonian registry), which was requisitioned at Philadelphia, Pennsylvania, on December 16, 1944 for use for the period December 16, 1944 to June 23, 1945 while said vessel was in the custody of the United States District Court for the Eastern District of Pennsylvania (A. Moe & Co. Inc. et al. vs. S. S. Farida, in Admiralty, Nos. 183, 185, 187, 199 of 1944 and No. 7 of 1945), pursuant to said act of June 6, 1941, as amended. In accordance with said section 3 (a) of the act of March 24, 1943, the holder of any valid claim by way of mortgage or maritime lien or attachment lien upon the said vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition may commence within six months after publication of this notice in the FEDERAL REGISTER and maintain in the United States district court from whose custody such vessel was taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning, a suit in admiralty according to the principles of libels in rem against the fund so deposited, which suit shall proceed and be heard and determined according to the principles of the law and to the rules of practice obtaining in like cases between private parties. Such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General of the United States and the Maritime Administrator, Department of Commerce, and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. Any decree in any such suit shall be paid out of this deposit of just compensation.

Dated: July 12, 1951.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-8162; Filed, July 16, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6361]

MINNESOTA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

JULY 11, 1951.

Notice is hereby given that, on July 11, 1951, the Federal Power Commission issued its order entered July 10, 1951, supplementing its order of June 26, 1951, published in the FEDERAL REGISTER July 10, 1951 (16 F. R. 6694), authorizing issuance of bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8123; Filed, July 16, 1951; 8:45 a. m.]

[Docket No. G-1688]

WEST TEXAS GAS CO.

ORDER FIXING DATE OF HEARING

JULY 11, 1951.

On May 21, 1951, West Texas Gas Company (Applicant), a Delaware corporation having its principal place of business at Lubbock, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on June 6, 1951 (16 F. R. 5372).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 30, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8124; Filed, July 16, 1951; 8:45 a. m.]

[Docket No. G-1624]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 11, 1951.

On February 28, 1951, Alabama-Tennessee Natural Gas Company (Applicant) a Delaware corporation having its principal office in Florence, Alabama, filed an application as supplemented on April 2, April 23 and June 4, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as are fully described in the application as supplemented on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 14, 1951 (16 F. R. 2413).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 31, 1951, at 9:30 a. m. (e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8125; Filed, July 16, 1951; 8:45 a. m.]

[Docket No. G-1689]

ASSOCIATED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 11, 1951.

On May 21, 1951, Associated Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Tulsa, Oklahoma, filed an application as amended and supplemented on June 8 and June 14, 1951, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission as fully described in the application on file with the Commission and open to public inspection.

The Commission finds:

(1) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 6, 1951 (16 F. R. 5372).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 26, 1951, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8126; Filed, July 16, 1951; 8:45 a. m.]

[Docket No. G-1707]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 11, 1951.

On June 11, 1951, El Paso Natural Gas Company (Applicant), a Delaware cor-

poration, having its principal place of business in El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities and the sale of natural gas, subject to the jurisdiction of the Commission as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 28, 1951 (16 F. R. 6260).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 31, 1951, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8127; Filed, July 16, 1951; 8:45 a. m.]

[Docket Nos. G-1644, G-1654]

UNITED NATURAL GAS CO. AND EQUITABLE GAS CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JULY 12, 1951.

In the matter of United Natural Gas Company, Docket No. G-1644; United Natural Gas Company, and Equitable Gas Company, Docket No. G-1654.

Notice is hereby given that, on July 11, 1951, the Federal Power Commission issued its findings and orders entered July 11, 1951, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8145; Filed, July 16, 1951; 8:47 a. m.]

[Project No. 591]

RUBY H. CUNNINGHAM

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE

JULY 12, 1951.

Notice is hereby given that, on April 26, 1951, the Federal Power Commission issued its order entered April 24, 1951, authorizing issuance of new license (minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8146; Filed, July 16, 1951; 8:47 a. m.]

[Docket No. E-6363]

IOWA POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

JULY 12, 1951.

Notice is hereby given that, on July 11, 1951, the Federal Power Commission issued its order entered July 11, 1951, authorizing and approving issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8147; Filed, July 16, 1951; 8:47 a. m.]

[Docket No. G-1731]

REPUBLIC LIGHT, HEAT, AND POWER CO. INC.

NOTICE OF APPLICATION

JULY 11, 1951.

Take notice that Republic Light, Heat, and Power Company, Inc. (Applicant), a New York corporation with its principal place of business at No. 200 Delaware Avenue, Buffalo 2, New York, filed on June 28, 1951, an application for a certificate of public convenience and necessity authorizing construction and operation in Applicant's South Shore District of approximately 9 miles of 10¾-inch natural gas transmission pipeline from Applicant's Sheridan Compressor Station in Chautauqua County, New York, to a point on the west side of the City of Dunkirk, Chautauqua County, New York.

Applicant states that the proposed construction will enable it more adequately to transport natural gas to its South Shore District, purchased at the above-mentioned Sheridan Compressor Station from Penn-York Natural Gas Corporation, which corporation supplies over 90 percent of all gas used in this district. Applicant's South Shore District is served presently through a net work of old field lines providing service to some 16 communities in Chautauqua County, New York, and 3 communities in Erie County, New York. Applicant states that the present capacity of the system has been reached. With the proposed pipeline in operation the capacity at Sheridan Compressor Station will be increased from approximately 16,500 Mcf. per day to 21,600 Mcf. per day and will permit Applicant to meet the expected peak-day requirements on its system for ensuing 3 to 5 year period.

The estimated cost of the proposed construction is $200,000, to be financed from bank loans. Applicant proposes to commence construction in the third quarter of 1952.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of July 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-8148; Filed, July 16, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 51]

READING CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, because of destruction of the coal dumping pier located on the Reading Company at Port Reading, New Jersey, the Reading Company is unable to dump carload coal or slag now on hand at Port Reading or en route to Port Reading. *It is ordered,* That:

(a) *Rerouting of traffic.* The Reading Company is hereby authorized to reroute or divert carloads of anthracite and bituminous coal or slag, now on hand at Port Reading or en route to Port Reading, to the coal dumping piers of The Central Railroad Company of New Jersey at Jersey City, New Jersey, or to any other coal dumping pier in New York Harbor or for all rail delivery in New York Harbor where practicable.

(b) *Concurrence of receiving roads to be obtained.* The railroad named, desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) *Effective date.* This order shall become effective at 12:01 p. m., July 10, 1951.

(e) *Expiration date.* This order shall expire at 11:59 p. m., July 31, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement

and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 10, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-8132; Filed, July 16, 1951; 8:46 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 52]

RAILROADS IN KANSAS, MISSOURI, ILLINOIS AND KENTUCKY

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the railroads serving the States of Kansas, Missouri, Illinois and Kentucky are unable to transport traffic routed over their lines, because of floods and high water. *It is ordered,* That:

(a) Rerouting traffic: Railroads serving the States of Kansas, Missouri, Illinois and Kentucky unable to transport traffic in accordance with shippers' routing, because of floods and high water, are hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., July 11, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., July 25, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., July 11, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING, *Agent.*

[F. R. Doc. 51-8133; Filed, July 16, 1951; 8:46 a. m.]

[S. O. 878, Corr. Gen. Permit 3-F]

MIXED COMMODITIES

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act to disregard the provisions of Service Order No. 878 insofar as they apply to any car loaded with mixed commodities including commodities named in Appendix A when the volume of commodities named in Appendix A is thirty-three and one-third percent or less by weight of the total weight of the shipment.

The shipping instructions and waybills shall show reference to this general permit, and any consignor forwarding cars under this general permit shall furnish the permit agent with the dates forwarded, car numbers, initials, weights and destinations of the cars shipped under this general permit; such information to be furnished on the first day of each month.

This general permit shall become effective at 12:01 a. m., July 16, 1951, and shall expire at 11:59 p. m., November 30, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of July 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-8131; Filed, July 16, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9778, 9930, 9996]

KINSTON BROADCASTING CO. (WFTC) AND FARMERS BROADCASTING SERVICE, INC. (WELS)

ORDER CONTINUING HEARING

In re applications of Kinston Broadcasting Company (WFTC), Kinston, North Carolina, Docket No. 9778, File No. BP-7752; Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, Docket No. 9930, File No. BP-7979; for construction permits. Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, Docket No. 9996, File No. BTC-1111, for transfer of control.

The Commission having under consideration a petition filed July 5, 1951, by Farmers Broadcasting Service, Inc. (WELS) requesting a continuance of the further hearing in the above-entitled proceeding from July 9, 1951, to August 1, 1951; and

It appearing that the reason for the requested continuance arises out of the fact that on June 27, 1951, the Commission designated for hearing the then pending application of Farmers Broadcasting Service, Inc. (WELS) (File No. BTC-1111) for Commission consent to transfer control of said corporation and specified seven issues to be developed in connection with said transfer application which was designated as Docket No. 9996; and modified one of the issues to be developed in the application in Docket No. 9930; and

It appearing that copies of the issues to be developed were not made available to counsel for the parties until July 3, 1951, that counsel have not had sufficient time to prepare to meet the several issues in Docket No. 9996 and the new issue specified in Docket No. 9930, and that counsel and the applicants are entitled to a reasonable time within which to prepare to meet said issues; and

It appearing that counsel for Kinston Broadcasting Company (WFTC) and the Commission having consented to immediate consideration of the petition for continuance, the date August 1, 1951 being agreeable to all parties, and good cause having been shown that the petition should be granted;

It is ordered, This the 6th day of July 1951, that the petition for continuance be and it is hereby granted and further hearing in the above-entitled proceeding is continued from July 9, 1951 to August 1, 1951, beginning at 10:00 a. m. in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-8150; Filed, July 16, 1951; 8:48 a. m.]

[Docket No. 9997]

HILLSBORO BROADCASTING CO. (WEBK)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of E. P. Martin, Alpha Martin and Elmo B. Kitts, d/b as Hillsboro Broadcasting Company (WEBK), Tampa, Florida, for construction permit; Docket No. 9997, File No. BP-7892.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 5th day of July 1951;

The Commission having under consideration the above-entitled application for a change of facilities from 1590 kilocycles, 1 kilowatt power, daytime only, to 1590 kilocycles, 500 watts, 1 kilowatt–LS, DA–N, unlimited time, at Station WEBK, Tampa, Florida;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WEBK, as proposed, but that the proposed station may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on August 10, 1951, at Washington D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WEBK, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station WEBK, as proposed, would involve objectionable interference with any foreign broadcast station provided for in any international agreement and, if so, the nature and extent of such interference.

3. To determine whether the installation and operation of Station WEBK, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to (1) nighttime coverage to the Tampa-St. Petersburg, Florida metropolitan district and (2) to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive service.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–8152; Filed, July 16, 1951; 8:48 a. m.]

[Docket Nos. 10001, 10002]

WILLAMETTE BROADCASTING CORP. AND COAST FORK BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Willamette Broadcasting Corporation, Eugene, Oregon, Docket No. 10001, File No. BP–8067; Philip S. Holt, tr/as Coast Fork Broadcasting Company, Cottage Grove, Oregon, Docket No. 10002, File No. BP–8114; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of July 1951;

The Commission having under consideration the above-entitled applications requesting simultaneous co-channel operation in cities with a physical separation of approximately 18 miles, the Willamette Broadcasting Corporation on 1400 kilocycles, 250 watts power, unlimited time, at Eugene, Oregon, and Philip S. Holt, tr/as Coast Fork Broadcasting Company, on 1400 kilocycles, 250 watts power, unlimited time, at Cottage Grove, Oregon;

It appearing, that J. Elroy McCaw is a 50 percent owner of the Willamette Broadcasting Corporation and that said J. Elroy McCaw has ownership interests in and is serving in an official capacity with the following standard broadcast stations: KELA, Centralia, Washington, KALE, Richland, Washington, KYAK, Yakima, Washington, KLZ, Denver, Colorado, KPOA, Honolulu, T. H., KILA, Honolulu, T. H., KYA, San Francisco, California, and KRSC, Seattle, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, commencing at 10:00 a. m., on August 20, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders and of the individual applicant to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether in light of J. Elroy McCaw's stock ownership and official relationships in the standard broadcast field a grant of the Willamette Broadcasting Corporation's application may constitute a concentration of control of standard broadcast facilities in a manner inconsistent with public interest, convenience or necessity.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–8153; Filed, July 16, 1951; 8:48 a. m.]

[Canadian Change List 62]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MAY 31, 1951.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214–3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power	Radiation	Time designation	Class	Probable date to commence operation
CKOK	Penticton, British Columbia.	800 kilocycles, 500 w-N/1 kw D.	ND	U	II	Now in operation.
CKLB	Oshawa, Ontario	1240 kilocycles, 250 w (increase in power from 100 w).	ND	U	IV	Mar. 1, 1952.
CHUB [1]	Nanaimo, British Columbia.	1570 kilocycles, 1 kw	DA-1	U	II	Do.

[1] Note by FCC: Present operation 1570 kc, 250 w, U. Notified for change in frequency to 1480 kc, with 1 kw, DA-1 U, on Canadian Change List No. 57, dated June 23, 1950, but change was not implemented.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–8151; Filed, July 16, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1317]

ROBERT GAIR CO. INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of July A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Robert Gair Company, Inc., a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 27, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8156; Filed, July 16, 1951; 8:49 a. m.]

[File No. 70-2649]

NEW ENGLAND GAS AND ELECTRIC ASSN. ET AL.

ORDER AUTHORIZING ACQUISITION BY REGISTERED HOLDING COMPANY OF ADDITIONAL COMMON STOCK OF SUBSIDIARIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of July A. D. 1951.

In the matter of New England Gas and Electric Association, Cambridge Steam Corporation, Cape & Vineyard Electric Company, Dedham and Hyde Park Gas Company, Plymouth County Electric Company, Worcester Gas Light Company; File No. 70-2649.

New England Gas and Electric Association ("Negea"), a registered holding company, and five of its subsidiaries, Cambridge Steam Corporation ("Cambridge Steam"), Cape & Vineyard Electric Company ("Cape & Vineyard"), Dedham & Hyde Park Gas Company ("Dedham"), Plymouth County Electric Company ("Plymouth"), Worcester Gas Light Company ("Worcester"), having filed an application-declaration and amendments thereto pursuant to sections 6 (b), 9 and 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-50 (a) (1), U-50 (a) (3), and U-50 (a) (4) promulgated thereunder with respect to the following proposed transactions:

Negea proposes to acquire and the subsidiaries propose to issue and sell to Negea additional shares of their respective common capital stocks as follows: 1,500 shares of $100 par value capital stock of Cambridge Steam for $150,000; 6,000 shares of $25 par value capital stock of Cape & Vineyard for $300,000; 6,000 shares of $25 par value capital stock of Dedham for $150,000; 3,000 shares of $25 par value capital stock of Plymouth for $105,000; 30,000 shares of $25 par value capital stock of Worcester for $750,000.

The filing states that the proceeds from the sales by Cape & Vineyard, Dedham, Plymouth and Worcester are to be used to partially reimburse their respective Plant Replacement Fund Assets accounts for expenditures made therefrom to finance additions to plant and property, and that the proceeds from the sale by Cambridge Steam are to be used to partially reimburse its treasury for expenditures made therefrom to finance additions to plant and property.

The filing also states that the transactions proposed by Cape & Vineyard, Dedham, Plymouth and Worcester have been approved by the Massachusetts Department of Public Utilities and that the transactions proposed by Cambridge Steam are not subject to the jurisdiction of any state regulatory body.

Said application-declaration having been filed on June 8, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that all the applicable statutory standards are satisfied and that there is no basis for adverse findings and deeming it appropriate in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-8155; Filed, July 16, 1951. 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

AMERICAN KNIT HANDWEAR ASSN., INC.

WITHDRAWAL OF APPLICATION FOR INVESTIGATION

JULY 11, 1951.

Notice is hereby given that the American Knit Handwear Association, Inc. (formerly the Association of Knitted Glove and Mitten Manufacturers), Gloversville, New York, in a letter dated July 5, 1951, has notified the United States Tariff Commission that it withdraws its application for an "escape clause" investigation with respect to certain gloves and mittens. Notice of the receipt of the said application was published in 14 F. R. 5030.

The Commission has on this 11th day of July 1951 accepted the withdrawal of the aforesaid application, without prejudice, and the application is no longer considered as a pending application for an investigation under the provisions of section 7 of the Trade Agreements Extension Act of 1951.

By direction of the United States Tariff Commission this 11th day of July 1951.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 51-8128; Filed, July 16, 1951; 8:46 a. m.]